

### A POLITICAL EDUCATION RELATED TO DETERMINING THE PRESIDENTIAL TRESHOLD IN THE CANDIDATE FOR PRESIDENT AND VICE PRESIDENT IN INDONESIA

**Mario Akbar Akroma<sup>1\*</sup>, Riski Febria Nurita<sup>2</sup>, Yusuf Eko Nahuddin<sup>3</sup>**

<sup>1</sup> Student at Faculty of Law, Merdeka University Malang

<sup>2</sup> Lecturer at Faculty of Law, Merdeka University Malang

<sup>3</sup> Lecturer at Faculty of Law, Merdeka University Malang

Corresponding authors e-mail: <sup>1\*</sup>[marioakbar24@gmail.com](mailto:marioakbar24@gmail.com), <sup>2</sup>[riskifebria@gmail.com](mailto:riskifebria@gmail.com)  
<sup>3</sup>[yusuf\\_eko\\_n@yahoo.com](mailto:yusuf_eko_n@yahoo.com)

**Abstract.** This research focuses on the political education about presidential threshold or the threshold of votes that a political party must obtain in an election to be able to nominate a presidential candidate. The presidential threshold regulates the minimum requirements for submitting presidential and vice presidential candidates, namely that 20% of the votes of a political party or combination of political parties must be obtained. To explore this study, the researchers formulated the problem as follows: What are the basic considerations in determining the 20% presidential threshold? With the aim of knowing and analyzing the basis for considering the 20% presidential threshold in selecting presidential and vice presidential candidates in Indonesia. The results of the research show that a. in consideration of determining the presidential threshold, it does not match the essence of its initial objectives, because it only benefits the majority party and in its preparation it is not in accordance with the aspirations of strengthening the presidential system and simplifying the party.

**Keywords:** Political Education, Presidential threshold, Basic Considerations, Democracy

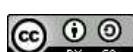
#### Article info:

Submitted: 03, September, 2023

Accepted: 10, Oktober, 2023

#### How to cite this article:

Mario Akbar Akroma, Riski Febria Nurita, Yusuf Eko Nahuddin“ A Political Education Related To Determining The Presidential Treshold In The Candidate For President And Vice President In Indonesia”. EDUCATUM: Scientific Journal of Education, Vol. 1, No. 3, pp 101-109, September, 2023.



This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

Copyright © 2023 Mario Akbar Akroma, Riski Febria Nurita, Yusuf Eko Nahuddin

## **1. INTRODUCTION**

It is very important to provide political education regarding the Presidential Threshold to the academic community, especially now that Indonesia is entering the phase of the political years leading up to the 2024 general election. In the 2004 presidential and vice presidential elections, the presidential threshold provisions began to be implemented for the first time through Law Number 23 2003 concerning the General Election of President and Vice President Article 5 Paragraph 4 which states that;

"Pair of candidates for President and Vice President Article 5 Paragraph 4 which states that the candidate pair for President and Vice President is proposed by a political party or combination of political parties that obtains a minimum of 15% of DPR seats or obtains a minimum of 20% of valid national votes."

Provisions regarding the presidential threshold in Law no. 3 of 2003 was then changed to a higher percentage in Article 9 of Law Number 42 of 2008 concerning the General Election of President and Vice President which states;

"That the candidate pair for President and Vice President can be proposed by a political party or a combination of political parties participating in the General Election which fulfills the requirements for obtaining seats of at least 20% of the total number of seats in the DPR or obtaining 25% of the valid national votes in the General Election for DPR members, before the implementation of the Presidential Election and Vice President"[1].

The regulations regarding the election of president and vice president in the 2014 presidential election have not changed from the previous election, namely that they still use the same presidential threshold rules as the provisions for presidential or vice presidential candidates to be proposed by political parties or a combination of political parties with a minimum vote of 20% of the parliamentary vote or DPR and 25% of valid national votes.

In the 2019 election, there was a debate that emerged during the 2019 Simultaneous Election. As a consequence of the passing of Law No. 7 of 2017 concerning Elections, it was certain that political parties had to form a coalition. Article 222 in Law No. 7 of 2017 regulates the threshold for presidential and vice presidential nominations with the provision that political parties must obtain 20% of DPR seats or 25% of valid national votes.

The development of general elections in the concept of Indonesian democracy brings thresholds to every form of general election system, starting from the electoral threshold as a condition for political parties to be able to participate in elections, the parliamentary threshold as a form of threshold for parties to occupy seats in the central parliament, to the Presidential Threshold as the voting threshold. party to nominate presidential and vice presidential candidates in the general election.

The general election for President and Vice President has been regulated and simplified into a new law, namely Law Number 7 of 2017 concerning General Elections. However, the contents of the regulations still more or less adopt Law Number 42 of 2008 concerning the General Election of the President and Vice President, one of the contents of which still remains regarding the Presidential Threshold.

The presidential threshold is an additional provision regarding the conditions for nominating the president and vice president. It can be understood textually that the existence of this article provides open space for all political parties participating in the election to nominate president and vice president. Because political parties are the pillars of democracy and the link between the state government and its citizens. The threshold requirements are also seen by several groups as strengthening the presidential system implemented in Indonesia.

In the 2019 election, there was a change in the law regarding the presidential and vice presidential elections in 2017 which became the basis for holding elections for 2019, namely Law no. 7 of 2017 concerning General Elections which accommodates presidential elections and also legislative elections therein, elections for President and Vice President, members of the People's Representative Council (DPR), Regional Representative Council (DPD) and Regional People's Representative Council (DPRD) which are held simultaneously in one time so that it becomes a polemic and debate, if we refer to the results of the previous DPR elections, this is contrary to the principle of one person, one vote, one value (OPOVOV)[2].

The application of election thresholds is inconsistent because every time a general election is held, the law makers, namely the legislature, change the law regarding general elections for the benefit of party politics and too large a threshold is actually something odd in an established democratic country. The experience of other countries shows that the higher the electoral threshold, the more it reduces citizens' political agency. Indonesia has never known minority representatives as used by various other countries that apply electoral thresholds. Because this is also very important in guaranteeing human rights (HAM). With

minority representatives, prospective members of parliament who receive a majority of votes, ideally, are automatically entitled to sit in parliament, whether nationally the political party he is running reaches the electoral threshold or not.

Examining the average country in the context of a democratic country, implementing a presidential threshold is not a natural thing as a prerequisite for presidential candidacy. The existence of a presidential threshold is a condition for the election of a presidential candidate. For example, in Brazil, to become President, a candidate must succeed in getting 50% of the vote plus one. Ecuador requires an amount of 50% plus one or 45% as long as it is 10% different from its strongest rival. Meanwhile in Argentina, someone will be deemed to have won the Presidential election if they get 45% of the vote or 40% is allowed as long as they have a 10% difference from their strongest rival [3].

However, in the case that occurred in Indonesia, election regulations were actually more consistent in their inconsistencies. The selection threshold is instead used as a project. Old political parties are trying to survive longer in power. This condition can clearly be seen as a form of unhealthy competition, as if small parties and new parties were not given the opportunity to fight in the elections.

The Presidential Threshold is the minimum percentage of votes required for the election of President or Vice President. This threshold has given rise to debate about whether or not simultaneous general elections should be held when the presidential threshold is not met. Some members of the DPR want to require a number of candidates to advance to the general election to nominate a presidential and vice-presidential running mate, while others want to eliminate this requirement.

## **2. RESEARCH METHODS**

The type of research used is using normative juridical writing, namely legal research carried out by researching or studying problems in terms of legal rules, studying the law concretely to solve legal problems faced by society, researching library materials or secondary data. This research approach uses several approaches to analyze problems, namely[4]:

1. Statute approach, namely an approach using laws relating to general elections and rules in making laws. 2. The historical approach is an approach taken by analyzing the debate arguments that occurred in the special committee (Pansus) meeting of the Election Implementation Bill. This was done to understand the basis of the arguments and thoughts of the Special Committee which underlay the formation of Law No. 7 of 2017 concerning General Elections, especially those related to the formation of a presidential threshold of 20%. This historical approach is intended to better understand the purpose and content of the arguments for the object being studied.

## **3. RESULTS AND DISCUSSION**

### **Basic considerations in determining the Presidential Threshold of 20% (twenty percent)**

The debate is the first round of the political process that revolves around each crucial issue, where decisions on these crucial issues become an important part of the sustainability of political parties in the next election. The attraction of interests on a number of crucial issues that will receive special attention is evidence that the strong competition for power between factions since the beginning of the discussion at the special committee level. at the beginning, the 4th Special Committee working meeting on February 13, 2017, crucial issues were based on the DIM drawn up by the DPR and the government which agreed on a number of 16 issues. Then, this crucial increased to 18 crucial issues when members of the Special Committee of the Golkar party faction expressed their views on the urgency of gender issues in the discussion. The addition of this crucial issue occurred at the 4th working meeting on February 13, 2017. Finally, after lobbying across fractions, it was agreed to cluster crucial issues at the 5th working meeting, on February 16, 2017, from 18 crucial issues to 5 crucial issues to facilitate discussion and sharpen the study[5].

Related to these 5 crucial issues, the first is the discussion of the legislative election system, in this case the government took a stand by proposing a limited open proportional system through Article 138 paragraphs 2 and 3 of the Election Bill. Open proportional system (proportional representation System) is a consideration to encourage candidates to compete in mobilizing. Mass support for the victory of the party. This can be categorized as a breakthrough, where this system has never been practiced throughout the election in Indonesia. The second is related to the parliamentary threshold, according to the government in a special committee meeting, one of the objectives of implementing this rule is to create a simple multiparty system, the debate that arises related to the logic of government is not the number of political parties participating in elections that should be limited but the ideal number of political parties that need to be

empowered and streamlined in the DPR. Third, the presidential threshold, this issue is to discuss the threshold for political parties who want to carry presidential candidates to strengthen the presidential system and effectiveness in organizing government and multiparty systems through natural selection. Fourth regarding the arrangement of electoral districts (electoral districts), regarding the discussion of this issue there is an important point that arises, namely regarding the arrangement of electoral districts that occur in the 2019 election, the meaning is that the number of electoral districts in the 2019 election can increase if there is a change in the number of seat allocation thresholds or district magnitude. Fifth conversion of votes into seats, debates related to vote conversion include two choices of common systems that apply in the world, namely hare quota, which is a method of converting votes into seats using a formula, the total number of valid votes divided by the number of allocated seats that must be filled, to convert votes into seats through this method, then there, parties that do not meet the threshold will not be included in the determination of seats in the DPR. Of the 5 points used as a conclusion that the implementation of Elections carried out simultaneously[6].

These points become the Raison d'atre for the final determination of the discussion of the Election Bill. The discussion actually took place at the Special Committee meeting on the Election Bill with an agenda that decided on the recommendations of the Special Committee, which later the results of the decision will be brought to the plenary meeting for ratification. However, the Special Committee meeting of the DPR Election Bill on Thursday night, July 13, 2017 again failed to take a decision on the 5 crucial issues, even though the 5 crucial issues have failed to reach a decision since April 2017[7].

After entering the final part of the discussion of the Election Bill, the crucial issues that became a long debate in the Special Committee meeting regarding the holding of Elections, in turn, are now able to map the political support of factions in the DPR into five issue packages.

The five crucial issues became the focus of the Election Bill because the discussion did not reach an agreement at the special committee level. The five crucial issues are offered by the special committee in 5 packages that can be[8]:

**Chart 1. Package of issues in plenary meeting**

<b>Package A</b>	<b>Package B</b>	<b>Package C</b>	<b>Package D</b>	<b>Package E</b>
<i>Presidential threshold: 20-25% percent</i>	<i>Presidential threshold : 0% percent</i>	<i>Presidential threshold: 10-15% percent</i>	<i>Presidential threshold: 10-15% percent</i>	<i>Presidential threshold: 20-25% percent</i>
<i>Parliamentary threshold: 4% percent</i>	<i>Parliamentary threshold: 4% percent</i>	<i>Parliamentary threshold: 4% percent</i>	<i>Parliamentary threshold: 5% percent</i>	<i>Parliamentary threshold: 3.5 % percent</i>
<i>Open election system</i>	<i>Open election system</i>	<i>Open election system</i>	<i>Open election system</i>	<i>Open election system</i>
<i>Dapil magnitude DPR: 3-10</i>	<i>Dapil magnitude DPR: 3-10</i>	<i>Dapil magnitude DPR: 3-10</i>	<i>Dapil magnitude DPR: 3-8</i>	<i>Dapil magnitude DPR: 3-10</i>
<i>conversion voice: sainte lague murni</i>	<i>conversion voice :quoata hare</i>	<i>conversion voice :quoata hare</i>	<i>conversion voice : sainte lague murni</i>	<i>conversion voice : quoata hare</i>

From the debate that took place at the Special Committee meeting, there were actually 5 factions that chose package a, namely the PDIP faction, Golkar faction, PPP faction, Nasdem Party faction and Hanura Party faction. While the other 4 factions, namely the Gerindra Party faction, the Democratic Party faction, the PAN faction, the PKB faction and the PKS faction have not decided on one of the 5 packages offered by the Special Committee on the Election Bill. Finally. The special committee agreed to a decision on 5 packages of election system issues to be brought to the plenary session of the DPR. By looking at the political map of the votes of these factions, if voting or voting is done, the most likely winner is package A.

The political map that has been presented, with the acquisition of 291 votes in the package a voter group, actually supporters of the presidential threshold option of 20% of the number of seats in the DPR or 25% of the valid votes have won the fight and have concluded that package A is an option that will be applied in simultaneous elections. This indicates that the mechanism used in simultaneous elections is not much different from the mechanism applied in the implementation of the 2009 and 2014 elections. The differences related to the determination mechanism are only in the parliamentary threshold which has a weight of 3.5%, while the weight in package a rises to 4%, and other differences that arise are the reuse of the sainte lague conversion method purely, it is the same as the mechanism used in the 2009 election, while in the 2014 election using the quota hare vote conversion method, in the quota hare method the calculation is using the formula  $V$  (vote/total valid votes) divided by  $S$  (seat/number of allocated seats), then the number of votes of political parties in a constituency is divided by the results of calculating the price of one seat, if there are still undivided seats, then another stage is carried out by distributing the undivided seats to the parties that have the most votes in order[9].

Basically, the option of determining the Presidential Threshold of 20% of the number of seats in the House of Representatives or 25% of the valid votes is also offered in the E Package option, but in the E package option there is a difference which lies in the parliamentary threshold whose determination rises to 4% in Package A and remains 3.5% in package E, the next difference is in the pure saint lague system in package a while in package E which is used for vote conversion is the hare quota system. Previously, the PDIP faction with the most votes in Parliament preferred to apply the vote conversion method using the quota hare method and tended to choose package E, but the strong choice of the Golkar faction in the pure saint lague vote conversion method, made the PDIP faction through government mediation softened to join in choosing package A.

Package A, which was initially announced and offered as an option by the government, has a lot of support from factions in Parliament and is almost certain to win. Although it has not yet become an official decision, the Minister of Home Affairs welcomed the increase in support for package A which received new political support from the PPP faction and the Hanura Party faction, where initially package A was only supported by the PDIP faction, Golkar faction and Nasdem Party faction. It is concluded that among the 560 seats in the House of Representatives, 291 seats or more than fifty percent outside the support of the government chose the mechanism to regulate Law No. 7 of 2017 on elections using package A. At the same time there are still factions that have not converged on one political choice, namely the Democratic Party faction which is still adamant with the rejection of the options contained in package a, while the Gerindra Party faction, PKB faction, PKS faction and PAN faction are still split between the choice of Package C and package D. If all these factions join in just one decision, still the votes obtained cannot defeat the votes obtained by the supporters of package A. Especially if the PKB faction crosses over and chooses Package A, which in the history of PKB faction habits always support the government in policy making[10].

After a long process of voting, the victory finally fell to the supporters of package A, which was initially headed by the PDIP faction. Feeling that he received political support from six factions in the DPR related to the number of factions that voted for package a, the PDIP faction proposed that the vote be held because the meeting had taken a lot of time and had decided many things. The PDIP faction's move can actually be said to be a form of political victory after successfully uniting the political support of government-supporting parties, where in discussions at the special committee level their political attitudes and views often differ.

The discussion of the presidential threshold in the special committee meeting of the Election Bill has an element of interest from each faction. The establishment of the presidential threshold is dominated by the faction that wants a high percentage of the nomination limit. It is evident that in the minutes of the meeting there were 6 factions that agreed with the government's proposal of 25% and some even reached the limit of 30%. The remaining 3 factions want no limit on presidential candidacy or 0% and one faction wants a threshold of 10%[11].

Contextually, the agreement can be seen in several debates that took place in the 6th working meeting meeting on Friday, February 17, 2017, in the debate there was one important point that must be considered, from the representatives of the factions present, the majority of the factions voiced the same voice regarding the presidential threshold percentage, the majority of the factions gave the same decision related to it, namely approving the proposal from the government. Golkar Party Faction (H. Ramble Kamarul Age, M. Sc.,M.M.) Golkar faction expressed the attitude to agree with the government with the amount of presentation 20-25%. In his view Golkar considers that simultaneous elections are a direct command of the Constitution so that the terms and standards must be set by the Legislature (open legal policy). Even according to Golkar in determining the presidential threshold, there is no crucial problem between the presidential threshold and simultaneous elections.

“We agreed with the government the size of 20% and 25%.The Constitution also Article 6A states why there is a combined word, the combined word indicates that there must be a requirement from the presidential candidate. Therefore, the requirements for presidential candidates by political parties are set through the law in the election article, so it is a policy that we must decide... So I think the attitude of the golkar party faction remains and we support the government 20% and 25% of the accumulated votes for that candidacy. So I think it's not on the basis that at the same time there is no correlation anymore, it's not that there is still a correlation even though this election that we do is actually the will of the Constitution”[12].

Furthermore, the PPP fraction (DR. H. Mz. Amirul Tamim, M.Si.) in his political view, he gives two options conceptually, namely the presidential threshold with a percentage of 0% and 25-30%. This is because if each party wants to be able to submit their candidates, each party must be based on normative provisions for each party to be entitled to submit presidential candidates. On the one hand, if the presidential threshold percentage is set at 25-30%, the normative concept is that every party that has a seat in the DPR has the right to nominate a presidential candidate. This means that to use the presidential threshold, parties must meet the provisions of the parliamentary threshold or the legitimate vote of the party nationally.

“If the party is in the election and has not sat in the DPR, it means that we need a presidential threshold for the presidential election. Well if it'S PPP of course twenty-five, thirty. This means twenty-five seats in the House of Representatives yes or combined seats or thirty percent of the vote. That's when the new party doesn't come along. But if all parties have the right to submit yes, it means logically zero percent, zero percent unless there is a clause that every party has the right to propose a presidential candidate who has a seat in the DPR. Therefore PPP is two, yes zero with Twenty-Five Thirty”[13].

The next view is presented by F-PKB (Dra. Hj. SITI MASRIFAH, MA) which is grammatically interpreted that the fkb faction considers that the provisions of the presidential threshold are too high and have an impact on the inability of the new party to follow the presidential election constellation, then it cannot blame the decision of the Constitutional Court. “If so, yes, if it is possible to fight that this is not considered not to violate the results of the Constitutional Court's decision then the PKB believes that it agrees with the government's proposal only at least the threshold follows the parliamentary threshold, yes”

For the attitude expressed by the Nasdem Party faction (Drs. T. Taufiqulhadi, M.Si.) provide views agreed with the government that 25% without giving arguments in logical ratios or arguments that can be accounted for. “If Nasdem agrees with the government, then we think that at least twenty percent yes from the number of DPR seats or get twenty-five percent of the National valid votes. Like the government that is the attitude of Nasdem”. The same attitude without any argument is also done by F-PDIP (ARIF WIBOWO) and F-Hanura (Rufinus Hotmaulana Hutahuruk) to directly agree with the provisions set by the government, namely 25%[14].

The balancing of the threshold (presidential threshold) has been aimed at strengthening the presidential system of government or forming an effective presidential system of government. Based on state practice, the Government of SBY-JK and SBY - Boediono cannot take quick decisions on all policy drafts submitted to the DPR, because the DPR does not support it one

hundred percent. Indeed, the government of SBY-JK and SBY-Boediono received support from a government coalition that was included in the joint secretariat of political parties supporting the government, but the coalition was not solid so that there were always differences with what the government had planned. The same thing happened in the 2014 election results where the Jokowi-JK government at the beginning of the government did not receive support from the DPR because the coalition of political parties supporting Jokowi-JK failed to control the majority of DPR seats, resulting in what is called a divided government (divided government) caused by the president not coming from a political party that controls parliament. Threshold regulation is a mechanism that is undoubtedly used in presidential systems with multi-party. The president needs the support of the majority in Parliament. Without absolute support, the president is very likely to become less decisive in efforts to move the course of government and development day-to-day[15]. With this "threshold" system, in the long term it is expected to ensure the simplification of the number of political parties in the future. the higher the threshold number, it is assumed that the faster the efforts to achieve simplicity in the number of political parties. In this regard, there are several considerations related to the maintenance of thresholds or the elimination of thresholds. In case, the threshold (presidential threshold) is eliminated then all political parties participating in the election can propose a president. This means that if there are 15 (fifteen) parties participating in the election, there are likely to be 15 (fifteen) presidential candidates. This policy will provide a fair and equal opportunity for each political party participating in the election to nominate candidates for President and Vice President and will provide more alternative options for choosing candidates for President and Vice President. the problem that will occur is that if the president is elected from a party that has few seats in the DPR or even does not have any representatives in the DPR, the figure of this president will be difficult to get political support in Parliament. The potential for political hostages against the president will be even greater.

In the discussion of the determination of the presidential threshold in the DPR at a limited meeting of the 2017 Election Bill, it was clear that the party leadership, which needed 20%, was related to strengthening the position of one of the presidential candidate's seats, both effectively and morally. because in practice, the work of Parliament is only for the welfare of the people. Agreement on the establishment of the Presidential Threshold 6 parties have the same goal and true, namely over power candidate in the election. There is hardly any serious debate about the substance of the presidential threshold determination. In fact, broadly speaking, the ruling party that chooses a high percentage wants to strengthen the presidential system and small parties cannot directly nominate the president. As the fraction that agrees with the 20% presidential threshold requires high filtration in elections, even though the standard is a political preference for presidential candidates.

While normatively, the purpose of holding elections in Article 4 of Law Number 7 of 2017 regarding general elections aims to strengthen democracy, realize effective and efficient elections, realize fair elections and integrity. Based on the purposes of the election, the determination of the presidential threshold does not describe the essence of the purpose of the Election Regulation. This creates intrigue and probelmatik structurally and massively, because starting from the beginning of the nomination is not proportional dikarnakan simultaneous election system that uses a split ticket can not meng sugukan more presidential candidates, in terms of effectiveness it is not created because after the election is over justu destructive political situation and political intersitas be sangat high.

In addition, it is expected to achieve a balance between parliament and the executive at the level of the presidential administration system. Whereas the presidential system in Indonesia basically adheres to the understanding of balanced government and mutual supervision (checks and balances). In fact, the application of the Presidential Threshold actually causes inequality in government because the executive position is more dominant in running the government. This is also due to simultaneous elections that give a very short time to form a governing coalition. That political parties automatically merge with bearer parties that have high parliamentary thresholds and presidential candidates whose electability is above average

The researcher examined from what has been presented by Law Number 7 of 2017 is very authoritarian, because the enactment of the cottail effect phenomenon or ikonsitensi in general elections parties often change direction in carrying the president, in the first round of elections, the party will nominate and/or support the presidential candidate of his choice based on the superiority of the supporting party and the party and the proposed candidate.

If you see the Presidential Treshold of 20% to run for president, then it makes minority parties and it is impossible to compete, so they are trying to give oligarchic power to the majority party through the vote of representatives of factions in the Legislature. efforts have been made for a presidential election is an attempt to strengthen the majority party group by putting greater pressure on minority parties, using a high Presidential Threshold to maintain power for the parties mayortias through party oligarchy[16].

Oligarchy through political parties is in line with Winters ' view that the source of oligarchic power does not only come from material wealth, according to him, the source of oligarchic power also comes from four sources of power, including the power of political rights, the power of strategic positions in government and institutions, the power of coercion, and the power of mobilization if done in a focused and specialized manner, these four things will give birth to elites[

The dynamics that arise in the special committee meeting of the Election Bill seem passive in terms of importance, because when a decision is taken, it takes refuge in the umbrella of democracy by using votes chosen by representatives of each faction. If observed, the dynamics of Presidential Treshold consideration in special committee meetings of the election bill that gave birth to many interests, including the interests of the ruling party or majority, according to the definition of oligarchy as explained by Winters, is included in the category of oligarchy, collective government oligarchy, because basically it is a kind of oligarchy these people have power and govern collectively through institutions that have norms or rules of the game and govern a community.

#### **4. CONCLUSIONS**

Based on the results of research and discussion, some conclusions can be drawn including the following: In consideration of the determination of the presidential threshold does not describe the essence of the initial goal to strengthen the presidential system. Because the threshold creates intrigue and probelmatik structurally and massively, because starting from the beginning of the nomination is not proportional dikarnakan simultaneous election system that uses a split ticket can not nominate the president more and irrelevant used presidential threshold because the previous election as a reference for the next election, in terms of effectiveness it is not created because after the election, contrary to the principle of effective and proportional elections. Setting the threshold for presidential candidacy (presidential threshold) including open legal policy (open legal policy) because the source of attribution authority in the Constitution, especially in Article 6A paragraph (2) and Article 22e paragraph (6) of the Constitution of the Republic of Indonesia year 1945 as a higher legal norm does not regulate or provide limits for anyone who wants to run for president and Vice President. The existence of thresholds for political parties to be entitled to nominate presidential and vice presidential candidates in general elections limits constitutional rights because setting thresholds limits the rights of citizens guaranteed by the Constitution and injures the essence of democracy because it limits the rights of citizens through political parties to submit for the presidential nomination and creates a gap in the political rights of minority voting parties.

#### **REFERENCES**

[1] Abdul Munawarman dan Anggun Novita, "Analisis Terhadap Presidential Threshold Dalam Kepentingan Oligarki", *Jurnal RECHTEN: RISET HUKUM DAN HAK ASASI MANUSIA*, Vol. 3, No. 2, 2021.

- [2] Aji Baskoro, "Presidential Threshold di Indonesia Dalam Perspektif Maslahah Mursalah", Jurnal LEGISLATIF, Vol. 2, No. 2, Juni 2019.
- [3] Alfa Fitri dan Wicipto Setiadi, "Presidensial Threshold dalam Pemilihan Umum Serentak: Kemunduran Demokrasi Konstitusional?", Jurnal Legislasi Indonesia, Vol. 19 No. 1, Maret 2022.
- [4] Abd. Halim, "The impact of proportional open system to political behavior:case study the community Sumenep Madura in an election legislative 2014", (jurnal umm, Volume 9, Nomor 2).
- [5] Janedjri M. Gaffar. 2013."Demokrasi Dan Pemilu Di Indonesia". Jakarta : Konstitusi Press.
- [6] Matthew Justin Streb, "Law and Election Politics", No.2, 2016.
- [7] Laurensius Arliman S. (2016). "Keterbukaan Keuangan Partai Politik terhadap Praktik Pencucian Uang dari Hasil Tindak Pidana Korupsi", UIN Jakarta: Jurnal Cita Hukum.
- [8] Risalah Rapat Kerja RUU Pemilu 2016.
- [9] Naskah Akademik Racangan Undang Undang Tentang Penyelenggaran Pemilihan Umum.
- [10] Pipit R. Kartawidjaja. 2016. "Memperkuat Sistem Presidensialisme". Jakarta Sindikasi Pemilu dan Demokrasi.
- [11] Ramadhan, "Politik Hukum Penyederhanaan Sistem Kepartian di Indonesia", Lex Renaissance, Volume 3, No. 1, 2018.
- [12] Sholehudin Zuhri, "Political Process in the Forming of Election Regulation: an Analysis on Power Struggle in the Formulation of Act, No. 7/2017 About Election", (Jurnal Wacana Politik, Vol.3, No. 2, 2018.
- [13] Thomas T. Pureklolon, 2019, "Demokrasi dan Politik, Menelisik Dinamika Kekuasaan, Sosial, Budaya, dan Pancasila", Jakarta: Intrans Publishing.
- [14] Widayati. (2017). "Problematika Presidential Threshold dalam Penyelenggaraan Pemilu Serentak yang Berkeadilan". Universitas Islam Sultan Agung.
- [15] Untung Sri Hardjanto, "Legitimasi Pemilihan Umum di Indonesia Tahun 2019" Adminitrative Law & Governance Journal. Volume 2 Issue 1, March 2019.
- [16] Zennis Helen,(2019). " Dinamika Presidential Treshold Dalam Kodifikasi Regulasi Pemilu Serentak 2019", Universitas Ekasakti : Jurnal Lex Jurnalica Volume 16 Nomor 3.