

Court Constitution Delete Nomination Threshold President and Vice President

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Abstract. *Thresholds in elections are often considered an obstacle for parties with small political bases to submit candidates for state leaders. Research this aim for the study base, focusing on the law used by the Constitutional Court in the provision of the nomination threshold, as well as its impact on the principles of democracy and representation politics in Indonesia, as outlined in Decision Number 62/PUU-XXII/2024. With a normative study, which focuses on the approach to legislation, concepts, and case studies, the research is conducted. This identifies the reasons behind the law's decisions. The results of the survey indicate that tests of the norms in Article 222 of the Election Law, related to the engineering constitution, may lead to weakening the principles of democracy and a decline in public trust in the government. Therefore, it is necessary to prioritize the interests of the people in the legislative and policy process. Additionally, the decision to introduce this potential change in national politics will enable smaller parties to nominate a State leader. However, there is nothing. This threshold also opens up the possibility for an oligarchy to establish a party for personal gain, which ultimately can weaken the mechanism of checks and balances within the state administration system.*

Keywords: *Deletion; Nomination; Threshold.*

1. INTRODUCTION

The General Election (Pemilu) is one of the main pillars of a system-based government democracy. As an embodiment of democracy, elections play a crucial role in safeguarding people's sovereignty, especially in Indonesia, which is a democratic system. Implementation of the election as an instrument to uphold democratic principles in accordance with the provisions listed in the 1945 Constitution of the Republic of Indonesia (UUD 1945). Therefore, the election must be conducted optimally, so that it accurately reflects the direct participation of the people in the political process (Seriawan, 2023).

Democracy is a system of government that focuses on the interests of the public in a country. In the system, every citizen has the right to participate directly in making decisions related to policy or government affairs. For determine whether a country adheres to system democracy, several criteria must be met fulfilled, namely: government must supported by the consent of the people comprehensive; regulations legislation must made by elected representatives of the people through transparent elections; the head of state must chosen direct through elections and responsible

answer to institution legislative; rights choose nature active based on principle equality; and position government must open for all layer public (Dedi, 2021). Democracy is not only related to political institutions, rules, and processes. Concept: This encompasses more than just public participation in election leadership or the structure of government formation. Democracy also involves a management aspect, encompassing cultural, social, and economic factors, as well as various other elements that contribute to the quality of life for all people (Kasih, 2018).

The Constitutional Court (MK) has the authority to judge and decide matters at the first and last instance, with decisions that are not subject to further review under other laws. Authority, including the review of the Constitution against the 1945 Constitution, resolution of disputes of authority between regulated state institutions as outlined in the 1945 Constitution, decisions related to the dissolution of party politics, and the settlement of election disputes. Provisions regarding the authority of the Constitutional Court are outlined in Article 10, paragraph (1), of Law 4 of 2014 concerning Court Constitution (abbreviated as UU MK) (Tatawu, 2017).

Inconsistency regarding the existence of the Constitutional Court and the expansion of its authority has become a significant issue for study, particularly in relation to the rules for nominating the President and vice president (presidential and vice-presidential candidates) in Indonesia (Hantoro, 2024). In terms of law, the word "threshold " is not explicitly mentioned in regulatory legislation in Indonesia. The term "presidential threshold" (PT) is more commonly used, referring to the minimum requirements for candidacy for the Presidency and vice presidency. Arrangements regarding PT are in Article 6A paragraph (1) in conjunction with Article 6A paragraph (3) of the 1945 Constitution, which stipulates that the partner candidate president and vice president must receive more of the valid votes, with at least 20% of the votes in each province spread across various regions of Indonesia (Lubis et al., 2023). Therefore, especially in reference to the MK's considerations in Decision Number 62/PUU-XXII/2024 (hereinafter abbreviated as Decision Number 62/2024), which grants application testing against the norms of Article 222 of Law Number 7 of 2017 concerning General Elections (Election Law) (Law No. 7, 2017).

Based on the quotation, it can be concluded that the PT questioned by the applicant is considered to conflict with Article 6A paragraph (2) and Article 22E paragraph (1) of the 1945 Constitution. In addition, the threshold is deemed to violate the principles of open legal politics and periodic elections, which results in a violation of citizens' rights as voters to participate in the development process and obtain legal certainty (Aris, 2022). In general, the author observes the use of the term "constitutional engineering" in the judges' reasoning, which consists of five main points. This term highlights several contradictions in the Constitutional Court's argument, particularly regarding the statement that "legislators can regulate so that the number of candidate pairs is not too many." This interpretation has the potential to undermine the basic principle of direct presidential and vice-presidential elections by the people. In fact, Article 6A paragraph (4) of the 1945 Constitution already constitutionally regulates the possibility of elections in two rounds. Candidate pairs who obtain more than fifty percent of the valid votes, with a minimum of twenty percent of the votes in each province spread across at least half of the provinces in Indonesia, have the right to be inaugurated as Head of State. If no pair meets these criteria, the two pairs with the most votes will advance to the second round, where the pair with the most votes will be inaugurated as Head of State.

According to the Constitutional Court, "constitutional engineering" essentially involves substantial participation in the creation of regulations. This means that the public has the right to express their opinions, the right to have their views considered, and the right to receive explanations or responses to the opinions they have expressed (Sjarif, 2022). Thus, "constitutional engineering" is a term newly introduced in the Constitutional Court's ruling regarding the judicial review of Article 222 of the Election Law. This term will undoubtedly impact political representation and democracy in Indonesia. Therefore, the Constitutional Court frequently uses the latest arguments in formulating legal considerations in each of its decisions.

As previously explained, several studies have discussed the determination of the threshold for nominating a State Leader, one of which is an article by Luken Ferisman Lubis, Eddy Asnawi, and Bagio Kadaryanto entitled "Determination of the Threshold for Nominating a President and Vice President Based on Law No. 23 of 2003 and Law No. 7 of 2017" (Lubis et al., n.d.). The article discusses the presidential and vice-presidential candidate nomination threshold provisions, as outlined in Law No. 23 of 2003 and the Election Law, and ideally, the determination of the presidential and vice-presidential candidate thresholds based on these provisions. Of course, between the article and the study, this is a discussion of PT in the Election Law norms, as well as the judge's consideration of the term "constitutional engineering", as well as Decision Number: 62/2024, regarding principles of democracy in Indonesia.

Other relevant research is an article written by Imawan Sugiharto and Erwin Aditya Pratama with the title "Reviewing 'The Legal Impact of the Implementation of the Presidential Threshold in the 2024 Presidential Election,'" (Sugiharto and Pratama, 2022). This article reviews PT regulations for the election of a president, as well as the impact of implementing the threshold in the 2024 presidential election. The difference between an article and research lies in the focus of discussion, where research reviews the PT based on existing Election Law norms approved by the Constitutional Court, particularly through the considerations of the judge who uses the term "engineering " constitution. Additionally, the research examines the impact of Decision Number 62/2024 on the principles of democracy in Indonesia.

The law under discussion, related to Decision Number 62/2024, which the Constitutional Court handed down, has implications for political parties that can nominate the Leader of the State without the existence of PT's limitations. The decision also has the potential to be exploited by oligarchs to form political parties and carry individuals who have prepared to operate in the interests of certain groups. Therefore, according to the writer, research has been conducted because the Constitutional Court has the authority to overrule. With Review Decision Number 62/2024, MK also issued a decision based on the principle of "policy" law, which served as the basis for consideration in his decisions. In addition, engineering the Constitution, as the Constitutional Court expressed regarding the maker's Constitution, is a novel approach. Through this study, the author aims to contribute to reforming the system of democracy and representation in politics, as well as enhancing justice, certainty, and benefits for all Indonesian citizens. Based on the topics to be discussed, a problem study can be formulated as follows: **First**, whether MK's considerations in Decision Number 62/2024, which eliminates the nomination threshold for presidential and vice-presidential candidates, are justified. **Second**, what are the implications of Decision Number 62/2024 regarding the principles of democracy and representation in political law in Indonesia?

2. RESEARCH METHODS

The research employed is normative research, conducted through document and literature studies (Marzuki, 2019). In research this, some approach used, among other approaches legislation for study the regulations listed in the 1945 Constitution, the Election Law, the Constitutional Court Law, and regulation other relevant approaches conceptual for see problem from various perspective existing experts and doctrines; and approach case approaches are used to analyze judges' considerations in the Constitutional Court Decision Number: 62/2024. Research: This involves the use of primary, secondary, and non-legal sources. The study employed the method of reading related references, including those from Leaders of State, as well as the engineering constitution, to gather literature, regulations, legislation, and scientific works. The collection was done through reading and quoting sources. Analysis of material law, done qualitatively, refers to the norms, principles, doctrines, and regulations applicable to laws and regulations as the base law (Marzuki, 2019).

3. RESULTS AND DISCUSSION

3.1.Court Basis Constitution Delete Threshold for Nominating Presidential and Vice-Presidential Candidates in the Decision Number: 62/PUU-XXII/2024

1. Background Decision Number: 62/PUU-XXII/2024

Constitutional Court Decision Number 62/2024 confirms that object testing material is within the scope of authority of the Constitutional Court. Authority is based on Article 24C paragraph (1) of the 1945 Constitution, Article 29 paragraph (1) of the Law on Power Judiciary, Article 10 paragraph (1) letter a of the Constitutional Court Law, Article 9 paragraph (1) of the Establishment Law Regulation Legislation, as well as Article 2 of PMK Number 2/2021. The applicant in the material test against Article 222 of the Law Election consists of Enika Maya Oktavia as the first applicant, Rizki Maulana Syafei as the second applicant, Faisal Nasirul Haq as the third applicant, and Tsalis Khoirul Fatna as the fourth applicant. Fourth applicant, the status as students and applied with several reasons, as follows;

- a. The application can be submitted for return;
- b. Article 222 of the Election Law is contradictory with Article 6A paragraph (2) of the 1945 Constitution because it violates the limitation policy law open (morality, rationality, and injustice);
- c. Article 222 of the Election Law is contradictory with Article 22E paragraph (1) of the 1945 Constitution because it violates the principle of periodic elections and causes distortion in representation;
- d. Provision *quo* that violates the limitation policy law and the open principles of periodic elections, thereby causing a violation of the right of citizens as voters. For the development of self in a collective way and rights under a specific law.

In the application submitted, the applicants present expert Ance Arizona, who opined that the Constitutional Court should shift from abusive judicial review to responsive review in evaluating the provision regarding the nomination threshold for the President. This suggests that the Constitutional Court should reconsider its reliance on

the “Open Legal Policy” approach, which has been the basis of previous decisions, and instead issue more significant and responsive decisions in testing. Ance Arizona also highlighted several important matters. First, society has an opinion that Article 222 of the Election Law contains constitutional problems and socio-political obstacles that can hinder the development of democracy in Indonesia. Second, there is immense hope that the Constitutional Court can rectify the provisions being assessed, which hinder progress in democracy, particularly in the election of the President. Third, various efforts to abolish PT to improve competition in the election state often meet difficulties.

2. The Judge’s Consideration Basis for Decision Number: 62/PUU-XXII/2024

The panel of judges of the Constitutional Court in Constitutional Court Decision Number 62/2024 conveys several underlying considerations regarding the submission application. This is the essence of the application, emphasizing that the implementation of PT has gone beyond policy limits and is a matter of open law. Provisions. This assessment contradicts the principles of morality and rationality, and it also causes injustice that cannot be accepted. In addition, the rules considered hinder small parties from expressing their aspirations in the presidential election, despite having qualified cadres. In terms of structural requirements, the nomination threshold considered creates exclusivity in the selection process, which reduces participation in democracy, as it should be, by nature, inclusive. The petitioners also argued that the provision is in accordance with the intention of the founders’ Constitution and not based on substantial academic grounds, especially considering that the general election is now implemented simultaneously. Based on the facts revealed, the Constitutional Court assessed that this application differs from the previously submitted one, especially in the formulation of the petitum. In this application, the applicants request that the Constitutional Court declare Article 222 of the Election Law to be contradictory to the 1945 Constitution and not a self-standing, binding law. Therefore, although the substance application has not been proven, the formal application can still be submitted in accordance with the provisions stipulated in Article 60 of the Constitutional Court Law and Article 78 of PMK 2/2021.

Although this case shares similarities with matters previously, the difference lies in the focus on the specific issue at hand. In this case, which poses a problem not only in the magnitude of the number or percentage of PT, but also in the constitutionality of the threshold arrangement. In other words, the applicants in this case Do Not take issue with the number threshold, but also with the existence of the PT system, which they consider contradictory to the 1945 Constitution. When compared with Case Number 129/2023, Case Number 87/2024, and Case Number 101/2024, this application has a broader scope. Therefore, the Constitutional Court needs to thoroughly examine the application before making a decision. The primary question that the Constitutional Court must address is whether there is a sufficient reason to revise the constitutionality of Article 222 of the Election Law regarding its establishment. Previously, the Constitutional Court had an opinion that PT is part of the policy of the law that becomes an authority, formerly a law (DPR).

After five presidential elections directly since 2004, the Constitutional Court should already have an established base for establishing PT as a policy open law in formation laws. In addition, there are specific facts essential to others, namely the number of presidential elections, where party political partners dominate nominations and candidates, resulting in limited constitutional rights for voters to choose an adequate

partner candidate. Therefore, after considering thorough development and the state of administration, this is the right time for the Constitutional Court to reconsider its views. Shift This Not only concerning the magnitude threshold or percentage, but more fundamentally, it is the regime threshold for carrying a partner candidate, Leader of the State, whatever the number or the percentage, contrary to Article 6A paragraph (2) of the 1945 Constitution.

Based on the explanation previously provided, the applicant stated that the minimum percentage threshold for carrying a partner candidate as Head of State, as stipulated in Article 222 of the Election Law, is contradictory to the 1945 Constitution and is not a binding law in its own right. This can be justified legally. Even though the norms regarding the minimum percentage threshold for carrying a candidate as Head of State in Article 222 of the Election Law are considered contradictory with the 1945 Constitution and not valid in a legal sense, it is necessary to consider the amount of a partner candidate as a Potential State Leader, as well as the amount of a party participating in politics through elections.

In its revision, the Election Law stipulates that the Constitution can establish a provision for limiting the number of partners a candidate for state leaders may have, to maintain the core of presidential elections being held directly by the people. Even though Article 6A paragraph (4) of the 1945 Constitution has anticipated the possibility of a second round of elections, the number of partners in the excessive candidate does not always give a positive benefit for the progress and continuity of the democratic presidential system in Indonesia. Therefore, in revising the Election Law, the DPR must consider several factors as follows:

1. Every party is entitled to participate in politics through elections and submit a candidate as Its Leader of the State.
2. Application process for partner candidates: State leaders by party or coalition party, depending on the percentage of seats obtained in the DPR or the number of votes received in a national election.
3. Party politics, as well as in elections, can form alliances with proposed partner candidates, such as the Leader of the state. This combination reduces the domination of one party or coalition, thereby increasing the variation in partner candidate State Leaders and choices for voters.
4. A party that does not nominate a partner candidate will be charged with prohibition for participating in elections, furthermore.
5. The engineering process is constitutional, including changes to the Constitution and Elections, which must involve the participation of all interested parties, in the implementation of elections, including parties that do not get seats in the DPR, with the application of the principle of public involvement.

Based on all the legal considerations presented by the panel of judges of the Constitutional Court, it turns out that the provisions of Article 222 of the Election Law are contrary to the principles of equality before the law and government, the right to fight for interests collectively, and fair legal certainty as regulated in Article 27 paragraph (1), Article 28C paragraph (2), Article 28D paragraph (1), and Article 28I paragraph (2) of the 1945 Constitution, as submitted by the applicants. Therefore, the

arguments submitted by the applicants are accepted as legally valid. As a result, the Constitutional Court decided as follows in its ruling: first, granting all the requests submitted by the applicants; second, stating that the norms of Article 222 of the Election Law are contrary to the 1945 Constitution and do not have binding legal force; and third, ordering the inclusion of this decision in the State Gazette.

3. Analysis to Decision Court Constitution Number: 62/PUU-XXII/2024

According to Moh. Mahfud MD (Mahfud, 2011), State that law is born from dynamic politics, so that law, in essence, is a result of the political process. Legal politics, on the other hand, refers to the policy officials related to the law that will be applied, through the creation of new rules and changes to existing regulations, to achieve the country's ideals. Before independence, a prominent leader among the Indonesian people wanted a system of government with a presidential form, which is reflected in the formulation of the 1945 Constitution. The power of the government is held entirely by one person, the President, who is assisted by a Vice President, with a term of five years. After that, the President can be chosen to return for another term of office (Ghafur and Wardhana, 2019).

Andrew Heywood explains that elections have functions that can be seen from two perspectives, namely from bottom to top (bottom-up) and from top to bottom (top-down). In an approach from the bottom up, elections play a role in three main matters: first, as a tool for recruitment in politics that allows every citizen to nominate themselves as public officials, second, as a method for forming government, and third, as a means for supervising the behavior of officials as well as the policies made. In a top-down approach, elections have four important functions: first, as a means to create legitimacy for government; second, as a mechanism to strengthen and renew the elite periodically; third, as a representational medium that connects the people with government; and fourth, as an instrument of political education for the public (Sabrina and Sukardi, 2024).

Constitutional law is a semi-autonomous discipline. This means that the Constitution consists of texts that function as laws and doctrines, which experts in the realm of professional legal discourse interpret. However, as understood by experts in law, the experienced Constitution, text, and doctrine are closely and intricately connected to the system of political law and the Constitution as applied (Marzuki, 2020). Therefore, to understand the law, the Constitution also requires knowledge of the dynamics that surround it (Tushnet and Kochenov, 2023).

Based on the arguments presented, the judge, in his considerations, stated clearly, "The DPR in revising the Election Law can do engineering constitutional with paying attention to five aspects," as explained in Constitutional Court Decision Number 62/2024. One of them emphasized that it is the obligation of every political party to nominate a partner for presidential and vice-presidential candidates. If you look at it from the principle of freedom in politics, things are, of course, appropriate. However, in implementation, elections must be kept efficient, so that the number of partners, candidates for President, and vice-presidential candidates nominated is not too large for each party. The number of partners can result in an excessive number of candidates, potentially leading to a costly decision.

Regarding PT, if referring to the 2019 election, the number of participating political parties increases to 16. Based on the results recapitulation, sound, only nine successful

parties fulfill the 4% (Sabrina and Sukardi, 2024) threshold. This is listed in PKPU Number 5 of 2019, which regulates the acquisition threshold for a legitimate voice in national and political party participant determinations for the 2019 Election. All the previous parties that hold seats in the DPR maintained their position, except Party Hanura. Meanwhile, four new party members, as well as No something, worked and passed 4% Threshold. From the data, the potential to round both is very minimal. There are in the literature, objectives in the implementation of PT in calculation based on acquisition of voice or seats in the DPR, basically a practice anomaly in the presidential scheme, especially the Constitution of the Republic of Indonesia has guaranteed, the DPR in one party and the President on the other hand, with matters that cannot be dropped between them (Ghafur and Wardhana, 2019).

In the statement, the Constitutional Court judge stated that "the party politics that does not nominate a partner candidate president and vice president will be charged with sanctions in the form of prohibition for the next election." This statement is clearly contradictory to the theory of popular sovereignty, which posits that power resides in the hands of the people, with party politics playing a crucial role in supporting the achievement of sovereignty. Although the number of people is enormous, they delegate part of their power to state institutions to operate the government, where the party plays a role as the main driving force in realizing people's sovereignty. The head of government is chosen directly by the people through periodic elections. As a representative of the people proposed by party politics, the government must act in accordance with the aspirations and will of the people to fulfill its daily duties (Afiyah, 2022). Therefore, the effort engineering suggested by the MK judge's considerations is not rational, considering that the draft contains popular sovereignty in Pancasila. There are two main principles: first, the principle of democracy, and second, the principle of deliberation. People's principles depict feelings of love towards others, as well as the spirit of support, interest, and a willingness to come together in unity, in the face of fate, struggle, and shared ideals. Meanwhile, the principle of deliberation for consensus emphasizes the importance of considering the aspirations and desires of all Indonesian people, both through deliberation forums and aspirations conveyed directly by the community (Afiyah, 2022).

In line with the discussion in the statement of the Constitutional Court judge who initiated the related matter, the public's participation is naturally related to the method of law functioning in society. As conceptualized by Roscoe Pound, the law plays a role as an instrument for engineering social purpose. For fulfilling the needs of the public as well as forming behavior in individuals, it is geared towards achieving specific objectives (Mochtar et al., 2024). Not only did John Stuart Mill state that the public is entitled to what becomes their rights, especially in matters directly related to their interests (Mochtar and Hiariej, 2023). The most essential thing in life for the public is direct fields that influence collective interests. From the perspective of the Constitution, this process is a political one for nominating presidential and vice-presidential candidates. This has implications for future lawmakers, who argue for the public interest. It allows for political constitutionalism, not only established by law, but also shaped by judicial decisions, which poses a problem for democracy in the future (Rishan, 2024).

Formulation engineering is a systematic effort to modify, adjust, or update a country's Constitution to address challenges or meet new emerging needs in a dynamic life state. This process is often accomplished through revision, amendment, or

interpretation to ensure compliance with the applicable Constitution. In analyzing the engineering constitution, several important points can be identified (Contiades, 2013). Stable democracy, namely, using regulations to collect free and fair votes without disturbance. This will depend on two conditions. First, the smaller the difference in policy between the majority and minority, the greater the incentive for everyone to comply with the regulation, because the losses experienced by minorities tend to be insignificant. Second, the possibility of a stable law will minimize costs incurred. A stable democracy, without fluctuations, will result in fewer rounds of elections, as well as a balance of power between majority and minority sources in politics and organizations (Adsera and Boix, 2004).

Engineering constitution often triggered by several factor among others, first, the need politics and social where Change dynamics society, such as increasing participation public or change structure politics, pushing the need revision constitution, second, pressure international globalization and agreements international often forces the state to adapt Constitution with standard international, third crisis national instability politics, internal conflict, or failure system government can become reason fundamental For engineer constitution. The engineering of a constitution must still comply with basic principles, such as the constitutional sovereignty of the people, which must still reflect the aspirations and will of the people. Public participation in changing the Constitution must involve all elements of the public inclusively. Supremacy law engineering the Constitution may not be contradictory with the principles of the law that have been established. Harmony with values is the basis of the state in the Indonesian context; changes to the Constitution must be in accordance with Pancasila values.

Therefore, with the challenge posed by the engineering constitution's potential politicization, it can be utilized by groups to strengthen their power. The minimum participation of the public, namely a Lack of public involvement in the process of change, can reduce the legitimacy of the result. An imbalance in interest, in other words, the difference in interest between the majority and minority, can lead to conflict in the engineering process constitution. Implications of an Engineering Constitution Alone: If implemented unilaterally or without public participation, an engineering constitution can weaken the principles of democracy and foster distrust in the public towards the government.

3.2.Decision Number: 62/PUU-XXII/2024 Affects Principle of Democracy and Representation in Law Indonesia

1. Principles Democracy

Heraclitus, the figure who introduced draft democracy more than 2,500 years ago, explains that democracy not only consists of one phase, but through three fundamentally essential phases: the covering aspect device, the device software, and the development of appropriate democracy with hope. System democracy is considered highly relevant in the development of the times, especially in the era of globalization. From the perspective of a hard device, system state politics refers to the concept of triadic politics, which includes the institutions of the legislature, executive, and judiciary. Meanwhile, from a side device, soft democracy involves rules or regulations made based on academic studies (Asshiddiqie, 2017).

A rule-based state system democracy; law plays a role in giving legitimacy to power, so that power is recognized as valid in a certain way. Apart from that, the law also serves

as a mechanism for Supervision, ensuring that power does not violate democratic principles. With this, the Leader can act arbitrarily without clear rules or only in the name of democracy. In Indonesia, the democratic model that was once implemented is Pancasila democracy, which is a significant difference from the democracy that is developing in the Western world. As a country based on law, Indonesia is often associated with the concept of "the rule of law." However, the idea remains a material discussion and criticism, even in Western countries, because it faces various issues, including the inequality that occurs in its implementation (Adnan, 2019).

According to the theory of contract social, fulfillment rights are individual, but not possible to achieve independently by each person; instead, they must be fulfilled through collective effort. Therefore that, it was made a social agreement that includes objectives, limits individual rights, and determines a responsible party to answer for reaching the objective and running the agreement in accordance with the limitations that have been established. This is realized in the form of a constitution, which becomes the highest law in a country and is then implemented consistently through state laws and policies. Therefore, laws and regulations can be enacted in a unilateral manner or solely for the benefit of the party in power. That matter contradicts the principle of democracy, because the law is designed not to serve the interests of a handful of rulers, but instead to ensure justice for all in society. Thus, a state of law is established, not an absolute *Rechtsstaat*, but a relatively democratic *Rechtsstaat* (Adnan, 2019).

2. Implications of Political Representation of Law in Indonesia

One of the implications of the negative influence on representation after the Constitutional Court Decision Number 62/2024 is that a political party can submit a candidate as the Leader of the State without the PT's limits. Decision: This can be used by oligarchs to form a party and carry its people to operate in the interest of individuals or other interests. Absence of opposition moment causes a problem in state administration related to one of them. The duties and functions of the DPR are: control and Supervision of sterilization. According to K. Ambardi (Ambardi, 2009). This is one of the characteristics of an existing political cartel. Besides that, there are also other characteristics associated with the disappearance ideology, including the deciding party direction coalition and an attitude of permissiveness (all-around). This may lead to a coalition forming in an election, and the election results may not significantly influence the behavior of political parties, their strength trends, or their collective actions.

The system party cartel does not appear suddenly; instead, it forms through a collaborative process between parties and ruling politicians in parliament and the government. Collaboration aims to control state policy in accordance with their interests, while guarding against domination and minimizing conflict and ideological diversity in the multi-party system of Indonesia. The inter-party alliance is more focused on stability. It works similarly to the competition ideology in government, which is then known as the Work Party cartel. However, one of the negative impacts of the Work Party cartel is the potential perpetuation of corrupt political practices in the country (Lestari, 2017). Cartel politics will lead parties to collude collectively in a fight over rent. According to Burhanudin Muhtadi, it will happen what is called a 'sleter trap' or 'accountability trap,' where parliament is controlled by the ruling party, and the government fails to perform its functions, checks, and balances. In politics, a cartel-like arrangement between the executive and legislative branches emerges, with the scent

of promiscuous power sharing (distribution of power) permeating vast areas, and the public budget becomes a feast for all. Not only that, but political cartels also have the potential to cause coalition fatigue.

A coalition is often considered a crucial step in creating a stable government, but this view is not entirely right. On the contrary, the existence of an alliance of this kind can cause risk politics and present complex challenges in state management. Three main issues arise from the formation of a coalition in a presidential system. First, the government tends to become more compromising. This occurs because of the existence of unification power between the executive and legislative branches, allowing the President to be more open to various interest groups and parties. Second, the coalition cannot fully ensure a stable connection between the President and the DPR. In this case, legislative function often supports the majority, but the number of successful bills approved that become law is not comparable. Third, the coalition's fat potential can become a trap for authoritarianism. With the existence of support for the majority party politics in the DPR, which is biased towards the government, the President not only plays a role as the center of executive power, but also takes over control of party politics in parliament. The situation can increase the possibility of a government falling into an authoritarian regime (Yuda, 2010).

A coalition of fat supporters of the government, without effective opposition in representative bodies, requires structural opposition in the DPR. In the Indonesian context, although the Constitution stipulates that the General Election Chairman should conduct the election democratically, the facts precisely show the opposite. No wonder when the rule of law about democratization succession leadership in a political party only has a symbolic meaning (symbolic meaning) because it is a regulatory framework. The same little attention is given to ensure that the rule intended can be enforced and implemented in a way that is good in practice. As a result, succession leadership ultimately came down to honesty and intention, good from the elites and even the leader of the party.

In fact, in law, iron power, except for rotation or change in leadership, is based on personal kindness and individual merit, rather than on clear system rules or regulations, which is very dangerous because this will create authoritarian and unsupportive leadership that is not responsive to the aspirations and interests of members, cadres, and the public at large. According to notes by Jean-Benoit Pilet and William P. Cross, there are one phenomenon in which democratic countries proceed has divert power in choose leader party from previously selected by only a handful elite party to conference attended by delegates party or member party, and in several case, even right for choose leader party has given to voters in general, in other words, are sympathizers.

4. CONCLUSION

Based on the findings of the above research, two main conclusions can be drawn. First, the MK's view is deep in his considerations of Decision Number 62/2024, which tests Article 222 of the Election Law related to the engineering constitution. This includes imposing sanctions on parties that do not submit a partner candidate as the leader of the country, which is considered contradictory to the principle of popular sovereignty. Within the framework of Pancasila democracy, party politics play a crucial role in conveying the people's aspirations, making substantial societal participation a key

factor in every law change. Stability in democracy can be achieved through fair and free elections, with balanced policies that reflect the interests of both the majority and minority, as well as an equitable distribution of political power. Approaching this can also reduce the burden of big politics, including potential rounds in second elections. Therefore, the formation of laws and policies must prioritize an inclusive approach, focused on the interests of the people. Nominating a president without PT limits can have a destructive impact on representation politics in Indonesia. Without existence limitations, the opportunity for a group oligarchy to form a party for the sake of personal interest opens wide, which has the potential to weaken the function of checks and balances in the government system. This phenomenon reflects a practice of political cartels, where parties prioritize cooperation to maintain power over focusing on ideological struggles. Cartel politics not only lowers the effectiveness of Supervision and legislative oversight, but also worsens the potential occurrence of corruption, as well as collusion between executive and legislative institutions. Therefore, the DPR in revising the Election Law needs not only to follow Constitutional Court Decision Number 62/2024, but also to compile the return structure of institutional election organizers and the Political Party Law. The Election Law and the Political Party Law must set limitations on coalition parties in carrying a candidate for State Leader. Party politics must be committed to strengthening institutions, education, and cadre development through a structured and systematic approach, while also avoiding the practice of political cartels. Society also needs to oversee the Constitutional Court's decisions to ensure they are not exploited by conflicting groups with undemocratic principles, thereby preventing oligarchy from seizing power.

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