



THE MULTIPARTY TRAP IN INDONESIA'S PRESIDENTIAL SYSTEM: BETWEEN DEMOCRACY AND GOVERNMENTAL STABILITY

Anwar

Universitas Widya Gama Malang, Indonesia, E-mail: anwar_fh@widyagama.ac.id

Muhammad Ramadhana Alfaris

Universitas Widya Gama Malang, Indonesia, E-mail: ramadhanaalfaris@yahoo.com

Halimatus Khalidawati Salmah

Universitas Widya Gama Malang, Indonesia, E-mail: hkhsalmah@widyagama.ac.id

Immanuel St. Credo

National Asbestos Lawyer, United States of America, E-mail: credolawyer_abt@yahoo.com

ARTICLE INFO

Keywords:

Democracy; Multiparty;
Presidential System;
Stability.

DOI:

10.26532/jh.v42i3.44731

Copyright © 2026

ABSTRACT

The relationship between Indonesia's post-amendment presidential system and its multiparty configuration remains a key constitutional issue, as political fragmentation often impacts executive stability, coalition formation, and government effectiveness. This study aims to analyze the constitutional position of Indonesia's presidential system, compare it with the United States model, and examine the implications of the Constitutional Court's ruling on party system regulation and effective governance. This study applies normative juridical methods using legal and conceptual approaches. The findings indicate that the post-amendment Constitution has strengthened presidentialism by affirming direct presidential elections, fixed terms, and removal only through constitutionally limited impeachment procedures. However, Indonesia's multiparty system requires the President to build parliamentary coalitions that can produce policy compromises, pragmatic bargaining, and unstable legislative support. Compared with the United States, Indonesia has a more flexible separation of powers, as the President is directly involved in lawmaking with the House of

1. INTRODUCTION

Theoretically, government systems are basically divided into two: presidential systems and parliamentary systems. However, countries sometimes adopt a mix of the two with an emphasis on one or the other, namely quasi presidential or quasi parliamentary. A mix that emphasizes the presidential aspect is called quasi presidential, and a mix that gives an emphases on the parliamentary aspect is named quasi parliamentary.¹ In general, the presidential system of government is followed by a limited number of parties, e.g. two parties only.² This provision is intended to strengthen the position of the President, assuming that the party winning the legislative elections is from the same party as the winner of the Presidential elections. In practice, the presidential system adopted by a country does not always use a simple number of parties, sometimes multi-party system.³

In Indonesia itself, the presidential system of government is still a topic of discussion, especially in terms of the relationship between the executive and the legislature.⁴ The complex multiparty system is one of the things that distinguishes Indonesia from other countries that apply the presidential system. Several structures such as social and political ones, have resulted in a long history that marked Indonesia's history since its independence until the end, it became one of the reasons for the formation of the multiparty system.⁵ However, this system's tendency often creates difficulties in implementing the principles of democracy and good governance, and the consequences of this limitation on the parliamentary threshold also impact the presidential election threshold.⁶

The Indonesian Constitutional Court Decision Number 62/PUU-XXII/2024 is an important cornerstone in the discussion of the relationship between the presidential system and the

¹ Daniele Caramani, *Comparative Politics*, 3rd ed., United States of America: Oxford University Press, 2014,

² Suparto Suparto. Pelaksanaan Sistem Pemerintahan Presidensial Dengan Multi Partai di Indonesia. *SASI*, Vol.27, No.4 (2021), p.516-531.

³ Dina Fadiyah. Dilema Sistem multipartai dalam Sistem Presidensial di Indonesia, *Madani Jurnal Politik dan Sosial Kemasyarakatan*, Vol.14, No.1 (2022), p.21-32.

⁴ Ach. Faidi. Problematika Legislasi dalam Sistem Pemerintahan Presidensial Multipartai. *As-Shahifah: Journal of Constitutional Law and Governance*, Vol.1, No.1 (2021), p.79-90.

⁵ Luthfi Ansori. Pembentukan Kabinet Koalisi dalam Sistem Presidensial Multi Partai di Indonesia. *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, Vol.12, No.2 (2023), p.316-334.

⁶ Dewi Iriani, Muhammad Fauzan, Ayu Hudzaifah, Joe Rey Acob, and Daffa Maulidio Inzaghi. Judicial Restraint Law Judicial Restraint Law Politics of the Constitutional Court Against Parliamentary Threshold: A Comparison of Indonesia and Philippines, *Jurnal Jurisprudence*, Vol.15, No.1 (June 2025), p.41-63, doi: <https://doi.org/10.23917/jurisprudence.v15i1.8716>

multiparty system in Indonesia.⁷ This ruling comes in the context of a debate on how effective and stable government can be in a presidential system faced with political fragmentation in parliament caused by the large number of political parties gaining seats in the House of Representatives (DPR), which often makes it difficult to form a strong and consistent majority coalition.⁸⁹

Historically, it can be seen that Indonesia's multiparty system is influenced by several things, including the plurality of its multicultural, multi-religious and multi-ethnic society.¹⁰ This condition then became the reason for the need for more inclusive political representation. As a result, various political parties with different ideologies and support bases were eventually established. However, due to the large number of political parties, creating stability in the presidential government itself is often a challenge.¹¹ The presidential system, which ideally gives the president strong executive powers, is often hampered by political dynamics in parliament that tend to be unstable due to party division. In the Constitutional Court Decision Number 62/PUU-XXII/2024, the Constitutional Court emphasized the importance of maintaining a balance between inclusive political representation and the need for government stability. The Constitutional Court has also emphasized in the judgment the importance of political system reform, which may include the simplification of the multiparty system.¹²

In addition, this decision is also a basis for re-evaluating various regulations or laws and mechanisms relating to general elections, coalition formation, and the distribution of power between the president and parliament.¹³ For example, strengthening the role of political parties in creating more solid and consistent coalitions is one of the important agendas in the post-decision discussion. This is expected to reduce the risk of deadlock between the executive and legislature, which often hinders government performance.¹⁴

What about the system of government adopted in the 1945 Constitution? The paradigm underlying the strengthening of the presidential system of government is to create an effective

⁷ Uu Nurul Huda, Firdaus Arifin, Anthon F. Susanto, and Mohd Kamarulnizam Abdullah. Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections. *Law Reform*, Vol.21, No.2 (2025), p. 401-418.

⁸ Dara Purnama, Muhammad Naufal, and Kamal Muntaha Ahmad. Power Shifting and the Challenges of Presidential System in Indonesia (1945-2019), *OISAA Journal of Indonesia Emas*, Vol.4, No.2 (2021), p.77-87.

⁹ Fifiana Wisnaeni, Mujiono Hafidh Prasetyo, Madaskolay Viktoris Dahoklory, and Jihyun Park. Diagnosing Electoral System Performance: A Juridical Analysis of Open-List Proportional Representation in Indonesia. *Law Reform*, Vol.22, No.2 (2026), p.29-57.

¹⁰ Krzysztof Trzcinski, *Institutional Engineering and Hybrid Power-Sharing in Divided Societies*, V & R Unipress, 2024.

¹¹ Denny Indra Sukmawan and Syaugi Pratama. Critical Review of the Constitutional Court's Decision on the Presidential Threshold. *Jurnal Konstitusi*, Vol.20, No.4 (2023), p.556-575.

¹² Bagus Surya Prabowo. Menggagas Judicial Activism dalam Putusan Presidential Threshold di Mahkamah Konstitusi. *Jurnal Konstitusi*, Vol. 19, No. 1, 2022, p. 73-96.

¹³ Djayadi Hanan, Tri Sulistianing Astuti, and Luthfi Widagdo Eddyono. Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia. *Jurnal Konstitusi*, Vol.22, No.2 (2025), p.260-292.

¹⁴ Isharyanto and Satriyo Sasono. Legislative Legitimacy Erosion and Institutional Dysfunction in Indonesia's Multiparty Presidential System. *Jurnal Konstitusi*, Vol.23, No.2 (2026), p.428-460.

government.¹⁵ However, in practice, the multiparty system implemented in Indonesia often requires the president to build coalitions that are not always solid, even prone to political instability. So, the issue is whether the multiparty system in the presidential government in Indonesia is able to support the creation of an effective government, or is it an inhibiting factor that contributes to weak stability and executive decision-making

In the previous description, it has also been noted that a number of Constitutional Court decisions have tried to regulate the party system in order to make the presidential system of government stronger in Indonesia. However, the second question that arises is to what extent have these decisions had an impact on government effectiveness? Are the regulations born from the Constitutional Court's decisions able to reduce political fragmentation and strengthen the position of the executive in running the wheels of government, or does the multiparty system remain a structural challenge that is difficult to overcome?

Previous research conducted by Lestari found that the combination of a presidential system and a multiparty system in Indonesia creates tension in executive-legislative relations, weakens the effectiveness of presidential decision-making, and encourages the need to simplify the party system through electoral design, parliamentary design, and the strengthening of the presidential institution.¹⁶ Another study conducted by Azahwa states that the multiparty presidential system after the 2024 General Election is still marked by parliamentary fragmentation, pragmatic coalitions, weakened opposition, and transactional politics, all of which affect political stability and the effectiveness of public policy.¹⁷ Both studies similarly place the multiparty system as a factor that may hinder the effective operation of the presidential system. This study differs from those previous studies because it specifically connects the issue with Constitutional Court Decision Number 62/PUU-XXII/2024 as the basis for analyzing the direction of strengthening the presidential system, simplifying the party system, and improving government effectiveness in Indonesia.

This study aims to analyze the position of the presidential system of government under the Constitution of the Republic of Indonesia after the amendments, particularly in relation to the multiparty system that has developed in Indonesia. It also seeks to assess whether the multiparty system supports government effectiveness or instead becomes an obstacle to political stability and presidential decision-making. This study further aims to examine the comparison between Indonesia's presidential system and that of the United States, as well as to analyze the implications of the Constitutional Court Decision for the regulation of the party system, the presidential candidacy threshold, and efforts to strengthen an effective presidential government without disregarding the principle of political representation in a democratic state.

¹⁵ Andri Winjaya Laksana et al., "Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System," *Media Iuris* 7, no. 3 (2024): 401–16, <https://doi.org/10.20473/MI.V7I3.62984>.

¹⁶ Amanda Dea Lestari. Implikasi Sistem Multi Partai Terhadap Sistem Pemerintahan Presidensial Indonesia. *Jurnal Sains Sosio Humaniora*, Vol.6, No.2 (2022), p.412-427.

¹⁷ Syahdina Diva Azahwa, Bintang Aura Mayesa Putri, Angelia Stephanie Vadia, Huwayda Rahmania, Fadhia Chalisha Adzzahra, and Restu Rahmawati. Implikasi Sistem Presidensial dengan Konsep Multipartai Terhadap Stabilitas Politik di Indonesia Pada Pemilu 2024. *Indonesian Journal of Law and Justice*, Vol.2, No.4 (2025), p.1-13.

2. RESEARCH METHODS

This research used a normative juridical method with a statutory and conceptual approach.¹⁸ The statutory approach was carried out by analyzing regulations related to the presidential system of government and the party system in Indonesia, including the Constitution and various relevant laws and regulations. The conceptual approach was used to explore theories on government effectiveness in the presidential system and its impact on political stability. The data used was sourced from legal documents, Constitutional Court decisions, and scientific literature related to the theme of this research.

3. RESULTS AND DISCUSSION

3.1. The Presidential System of Government in the Constitution post-amendment

As described by Bagir Manan, the President is the sole holder of executive power.¹⁹ The statement shows that in a presidential system of government, the President is the sole executive officer. In other words, the President possesses and exercises all executive authority directly, without sharing authority with other agencies in the executive branch.²⁰ Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia itself has stated that "The President of the Republic of Indonesia holds the power of government according to the Constitution". This sentence confirms that the President is the sole holder of executive power, with no Prime Minister or other equivalent executive institution.²¹

The President is the responsible organizer of the government in addition to the various prerogative constitutional powers commonly attached to the office of Head of State. Furthermore, the President is not accountable to Congress, and therefore, cannot be subject to a vote of no confidence by Congress. The President is neither elected nor appointed by Congress, in practice directly by the people, although formally elected by the Electoral College.²² In short, it can be stated that the President is the organizer of the government and has various constitutional powers granted to the office of head of state. In addition, the president is not accountable to Congress, nor can the president be subject to a vote of no confidence by Congress. The president is elected and appointed directly by the people, not by Congress.

Regarding the term of office, the President holds office for five years, and can only be elected for one second term, so the maximum total term of office is ten years. If the President is permanently incapacitated, his successor is the Vice President who continues as President until the end of the current term. The President can be removed from office through the impeachment process for reasons relating to serious legal violations such as state treason,

¹⁸ Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does It Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–50, <https://doi.org/10.18196/jmh.v32i1.25678>.

¹⁹ Bagir Manan, *Lembaga Kepresidenan*, Yogyakarta: Pusat Studi Hukum UII dan Gama Media, 1999.

²⁰ Eko Noer Kristiyanto. Pemakzulan Presiden Republik Indonesia Pasca Amandemen UUD 1945. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, Vol.2, No.3 (2013), p.331,

²¹ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika, 2020.

²² David Tarr and Ann O'Connor. *Congressional Record*. Congress A to Z, 2014.

accepting bribes, or other serious criminal offenses²³.

Concerning with the position of the President in a parliamentary system of government, one of the characteristics of the model found in this parliamentary system of government is that the president is usually elected and appointed by or including the people's representative body, but is not responsible to the people's representative body, with various modifications. These modifications are made as an attempt to balance the relationship between the legislature, the executive, and the symbolism of the head of state in a parliamentary system.

In a parliamentary system, the president is in charge of governing the legislature and is the unassailable head of state rather than the chief executive.²⁴ As head of state, the president has constitutional and ceremonial responsibilities; the cabinet is in charge of any activities that fall outside of these bounds. By selecting politicians, they can preserve political stability in parliamentary systems.²⁵ In addition to carrying out ceremonial duties that go beyond constitutional rights, the president serves as the nation's leader. By requiring a politician to dissolve the parliament or establish a new government in times of crisis, they can preserve political stability in a parliamentary system.

According to Sri Soemantri, the government system of the Republic of Indonesia, which is based on the 1945 Constitution, combines the presidential system of government and the parliamentary system of government, or a mixed system.²⁶ One of the main characteristics of the parliamentary system adopted by the 1945 Constitution is related to the President's accountability to the People's Consultative Assembly (MPR) as a parliamentary institution that has the position of the highest state institution. Accountability for the President's policies to the People's Consultative Assembly is a consequence of the President being elected by the People's Consultative Assembly, not directly by the people.²⁷

The Constitution's goal is to move towards a presidential system, and the People's Consultative Assembly in 1999 agreed to maintain the presidential system while improving it to meet its general requirements. As a follow-up to efforts to improve the adopted presidential system, several arrangements have been made that support this direction, including by changing Article 1 paragraph (2) of the Constitution, which originally stated that the sovereignty of the people is fully exercised by the People's Consultative Assembly, to the sovereignty of the people exercised in accordance with the 1945 Constitution, changing the method of presidential election from the People's Consultative Assembly to direct election by the people (Article 6A of the Constitution), changing the scope of reasons for accountability or dismissal of the president, which was originally sufficient due to the implementation of policies or the

²³ Chuasanga A., Ong Argo Victoria. Legal Principles Under Criminal Law in Indonesia and Thailand, *Jurnal Daulat Hukum*, Vol.2, No.1 (2019), p.131-138, DOI: <https://dx.doi.org/10.30659/jdh.v2i1.4218>

²⁴ Blake Emerson. The Departmental Structure of Executive Power: Subordinate Checks from Madison to Mueller. *Yale Journal on Regulation*, Vol.38, No.1 (2021), p.90-174,

²⁵ Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven: Yale University Press, 1999.

²⁶ Sri Soemantri M, *Ketetapan Majelis Permusyawaratan Rakyat (S) Sebagai Salah Satu Sumber Hukum Tata Negara*, Bandung: Remaja Karya, 1998

²⁷ Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi*, Jakarta: Konstitusi Press, 2006.

General Guidelines of State Policy (GBHN) in Indonesia, to accountability for violations of the law in the form of treason, corruption, bribery, other serious crimes, disgraceful acts, or being proven no longer worthy of serving as President or Vice President.

The Constitution brought about a number of important changes to Indonesia's presidential system, including the transfer of popular sovereignty, direct presidential election, and provisions pertaining to accountability and dismissal. These provisions now address grave legal offenses such as treason, corruption, and bribery.²⁸ The paradigm underlying the strengthening of the presidential system of government is to realize effective governance.²⁹ However, a crucial question arises: does the current multiparty system in presidential government support the effectiveness of government, or is it an inhibiting factor that undermines stability and executive decision-making

Presidents in multiparty systems frequently have to establish political coalitions, which can result in instability and policy concessions. In a multiparty presidential system, striking a balance between broad political representation and government efficacy is essential. Multiparty system in a presidential government often places the President in a position where it is necessary to build coalitions with various political parties in order to obtain support in parliament. Such coalitions are not always formed on the basis of ideological similarity or a shared policy direction, but are more often based on short-term political interests. As a result, political support for the President may change in accordance with the shifting interests of coalition parties. This condition may create political uncertainty. The need to maintain support from many parties also requires the President to make various compromises in policy formulation. Political compromise can indeed serve as a means of maintaining relations between the executive and the legislature, but when it becomes too dominant, the substance of policy may lose its main direction. Policies that were originally designed to respond to public needs may turn into the result of bargaining among political parties, making their implementation less optimal or subject to delay. This situation directly affects government effectiveness because public policy cannot always be implemented consistently.³⁰

Coalitions consisting of many parties also tend to experience internal tensions. Differences in ideology, voter bases, policy orientations, and the political interests of each party may create divisions within the coalition. When these differences cannot be managed, government stability may be disrupted because the President loses the political support needed to carry out the government agenda. Coalition instability may even develop into a political crisis when relations between the President and parliament become increasingly weakened.³¹

Another risk arising from a multiparty system in a presidential government is the possibility of

²⁸ Fadhlan Fahmi Tarigan, Fiyan Hamdi Lubis, and Abdul Hadi Mustofa. Problematics of the Implementation of the Presidential Threshold in Elections. *NOMOI Law Review*, Vol.4, No.1 (2023), p.33-42,

²⁹ 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*, Vol.8, No.1 (2024), p.133-151.

³⁰ M. Mustofah Bisri. Institutional Redesign to Strengthen the Presidential System and Government Effectiveness in Indonesia. *Journal of Constitutional and Governance Studies*, Vol.2, No.1 (2025) p.20-48.

³¹ Aditya Perdana, Muhammad Imam, and Syafril Effendi. The Coalitional Presidentialism and Presidential Toolbox in the Philippines and Indonesia. *Journal of ASEAN Studies*, Vol.12, No.2 (2024), p.461-481.

deadlock between the executive and the legislature.³² When the President and parliament have sharp differences in determining policy direction, the legislative process may stop or proceed very slowly. Such deadlock may hinder the enactment of laws, delay reform agendas, and create uncertainty in the administration of government. At this point, a presidential system that should guarantee strong executive leadership may instead become weakened because the President remains dependent on political support from parliament. The diversity of political parties essentially reflects the plurality of public aspirations. In a country with diverse social, cultural, religious, and political interests, the presence of many parties can serve as a broad channel of representation for citizens.³³ However, the large number of parties may also increase political polarization and slow down the policy-making process. The main challenge is how to maintain a balance between government effectiveness and political representation. When the system places too much emphasis on effectiveness, there is a risk that the space for public representation will be reduced. Conversely, when the system places too much emphasis on representation without proper management, the government may lose speed, decisiveness, and consistency in implementing policy.

In the Indonesian presidential system, a multiparty system can serve various political interests and promote smooth governance, but it can also cause division and disputes, which make it difficult for the executive to make decisions. The impact of a multiparty system on government efficiency includes Strengthening Government Effectiveness. The President can balance various political interests in a multiparty system, which increases legitimacy and support for government programs while encouraging inclusiveness and community goals and Obstacles to stability and decision-making. Party fragmentation can hinder decision-making and cause political deadlock, weaken government stability and reduce executive effectiveness, Inter-party conflict can also cause political deadlock through the experience that Indonesia has gone through in holding elections.³⁴

Indonesia's multiparty system poses stability and decision-making threats, but can enhance government performance by balancing inter-party friction and political objectives. The system has a 40% chance of promoting government effectiveness.

3.2. The Presidential System in the United States

Presidential system is a form of government in which the president acts as both head of state and government. The president is directly elected by the people through electoral elections, she/he has full executive authority, and is not accountable to the legislature, except within certain limits set by the constitution.³⁵ The President of the United States, who is the head of

³² Eugen Mohamad. Implementation of Mixed-Election System as a Way to Purify Indonesian Presidential System. *Jurnal Konstitusi*, Vol.22, No.3 (2025), p.528-553.

³³ Georgius Benny and Anindya Putri Maharani. Implikasi Sistem Multipartai terhadap Oposisi di Indonesia: Analisis Hasil Pemilu 2024 dengan Indeks ENPP. *NeoRespublica: Jurnal Ilmu Pemerintahan*, Vol.5, No.2 (2024), p.1028-1029.

³⁴ Moh Priyo Manfaat, Simultaneously Election Impact on the Presidential System in Indonesia, *Jurnal Daulat Hukum*, Vol.2, Issue.3, September 2019, p.359-368 DOI: <https://dx.doi.org/10.30659/jdh.v2i3.5557>

³⁵ Cass R. Sustein. The Rule of Law vs. 'Party Nature': Presidential Elections, the U.S. Constitution, the Electoral Count Act of 1887, the Horror of January 6, and the Electoral Count Reform Act of 2022. *Boston University Law Review*, Vol.33, No.1 (2022), p.1-12.

state and government, possesses full executive power in accordance with Article II of the United States Constitution. Some of the president's powers include the execution of federal laws.³⁶ Sign laws or veto bills from Congress, serve as commander in chief of the armed forces, appoint federal officials, such as cabinet ministers, ambassadors, and federal judges.³⁷

The president is elected through the Electoral College system, where each state has an equal number of electoral votes as its delegates in Congress (the House of Representatives and Senate combined).³⁸ The United States presidential system combines federalism and representative democracy, with a candidate receiving a majority of electoral votes. The president is not accountable to Congress but can be impeached for serious crimes.

The presidential systems in Indonesia and the United States both place the President as the head of state and the head of government. However, they are derived from different constitutional foundations and institutional designs. Indonesia bases its system of government on the 1945 Constitution of the Republic of Indonesia, while the United States is guided by the Constitution of the United States of America of 1787. These different constitutional sources affect the regulation of relations among state institutions, the method of presidential election, the term of office, oversight mechanisms, and the way executive power is exercised within the constitutional system of each country.³⁹

The President of Indonesia is elected directly by the people through a general election, whereas in the United States the President is elected through the Electoral College mechanism, which remains connected to the popular vote in the general election.⁴⁰ The term of office of the President of Indonesia is five years, and the President may only be re-elected for one additional term, meaning that the maximum tenure is two terms. In the United States, the presidential term is four years and is also limited to a maximum of two terms. This similarity shows that both countries limit presidential power through term limits in order to prevent excessive concentration of executive power. Fairly prominent difference can be seen in the party system. Indonesia applies a multiparty system, so the President often faces a diverse parliamentary political configuration. This condition requires the President to build communication and political coalitions with many parties in order to obtain support in the legislative process and in the implementation of the government agenda. The United States has two dominant parties, namely the Democratic Party and the Republican Party, so political competition tends to be simpler, although it can still create sharp polarization. This difference

³⁶ Gene Healy, *America's Dangerous Devotion to Executive Power: The Cult of the Presidency*, Canada: Cato Institute, 2024.

³⁷ Rodrigo Barrenechea and Alberto Vergara. Peru: The Danger of Powerless Democracy. *Journal of Democracy*, Vol.34, No.2 (2023), p.77-89.

³⁸ Gleaves Whitney. Presidential Power. Ideas and Movements That Shaped America: From the Bill of Rights to "Occupy Wall Street", Vol.1, No.3 (2015), p.786-792.

³⁹ Rizki Aulia Adinda, Cici Fatmala, and Yana Syafrie Hijri. Perbandingan Sistem Pemerintahan Presidensial di Indonesia dan Amerika Serikat. *Jurnal Pendidikan dan Konseling*, Vol.5, No.1 (2023), p.2347-2353.

⁴⁰ Rendy Sueztra Canaldhy, Suandi Suandi, and Umi Purwanti. Perbandingan Sistem Pemilihan Umum Presiden Amerika Serikat Dengan Indonesia. *Jurnal Ilmiah Ilmu Administrasi*, Vol.13, No.1 (2023), p.47-63.

in party systems affects the stability of the President's political support in the legislature.⁴¹

The relationship between the President and parliament in both countries has a similarity because the President cannot be removed through a vote of no confidence. In Indonesia's presidential system, the House of Representatives cannot dismiss the President merely because the President has lost political support. Similarly, in the United States, the President is not politically accountable to Congress and cannot be removed through a parliamentary mechanism. This similarity shows that both countries separate the continuity of executive office from the daily dynamics of political support in the legislature.

The authority of the President in Indonesia and the United States equally includes functions as head of state and head of government, but there are differences in the President's relationship with the lawmaking process. In Indonesia, the President has authority in the legislative process together with the House of Representatives and may issue a Government Regulation in Lieu of Law in circumstances of compelling urgency. In the United States, Congress holds the main legislative power, while the President may propose policy agendas, approve bills, or exercise the veto power over bills passed by Congress. This design shows that legislative power in the United States is separated more firmly than in Indonesia.

The formation of the cabinet also reflects different characteristics between the two countries. In Indonesia, the President appoints ministers as assistants to the President, and ministers do not always come from political parties. In a multiparty system, the composition of the cabinet is often also influenced by the need to build political balance among the parties supporting the government. In the United States, the President also appoints cabinet members, but cabinet appointments are usually more closely related to the political orientation of the President and the supporting party. This difference shows that cabinet design in Indonesia is more often connected to coalition needs, whereas in the United States it is more closely related to the political direction of the elected President.⁴²

The mechanism of checks and balances in the United States tends to be stricter because the separation of powers among the executive, legislative, and judiciary branches is designed more firmly. Congress has strong legislative authority, the President has veto power, and the judiciary has the authority to review the constitutionality of state action. In Indonesia, the principle of checks and balances is also applied, but relations among state institutions tend to be more flexible because the President is involved in lawmaking together with the House of Representatives and has the instrument of a Government Regulation in Lieu of Law under certain circumstances. This difference shows that Indonesia's presidential system is not entirely identical to the United States model, although both apply the principle of separation of

⁴¹ Ni Made Anggia Paramesthi Fajar. Presidential Government System Strengthening Through a Party System Simplification A Comparison Between The Indonesian Party System and The United States Party System. *UNTAG Law Review*, Vol.7, No.2 (2023), p.116-121.

⁴² M. Yasin Al Arif and Elif Yaren Çalkacı. Organizing the Formation of the Presidential Cabinet in Indonesia: A Comparative Analysis with the United States, the Philippines, Argentina, and South Africa. *Indonesian Journal of Law and Syariah*, Vol.1, No.2 (2025), p.73-86.

powers.⁴³

The mechanism for removing the President in both countries is carried out through an impeachment process, but the procedures are different. In Indonesia, the President may be impeached through a process involving the House of Representatives, the Constitutional Court, and the People's Consultative Assembly. The Constitutional Court plays a role in assessing alleged legal violations or constitutional grounds before the People's Consultative Assembly makes the final political decision. In the United States, impeachment is initiated by the House of Representatives, and the removal of the President is decided by the Senate through a vote. This difference shows that Indonesia places the Constitutional Court as a juridical examiner in the impeachment process, whereas the United States places the process within the constitutional-political mechanism of Congress.⁴⁴

The role of the Vice President also differs. In Indonesia, the Vice President assists the President in running the government, but the Vice President's authority depends on the division of duties assigned by the President and the applicable constitutional provisions. In the United States, the Vice President holds a formal position as President of the Senate and may replace the President in the event of a permanent vacancy in the office. This comparison shows that the presidential systems of Indonesia and the United States have several fundamental similarities, especially in the position of the President, which does not depend on parliamentary confidence, but they differ in terms of the party system, legislative design, oversight mechanisms, the impeachment process, and the role of the Vice President.

Although the president of both Indonesia and the US holds the same position as head of state and government,⁴⁵ their party systems and systems of checks and balances are different; Indonesia's multiparty system may lead to political instability, while the US has a two-party system.⁴⁶ In contrast to the Electoral College system in the US, the president of Indonesia is chosen directly. The office has a five-year tenure with the potential to be extended. Unlike the US House of Representatives and Senate, the Constitutional Court and People's Consultative Assembly handle impeachment. Unlike the US president, who has a stronger veto power and Senate approval for ministers, the president of Indonesia has little authority over cabinet formation and cabinet formation. The separation of powers is more stringent in the US. The dynamic multiparty system in Indonesia makes it difficult to manage effectively, whereas the fierce party rivalry in Congress causes political impasse in the US

⁴³ Harlina Hamid and Nurasia Natsir. Constitutional Analysis of Executive Power Limitations in Presidential Systems: A Comparative Study of Indonesia and The United States. *International Journal of Sociology and Law*, Vol.2, No.2 (2025), p.23-34.

⁴⁴ Mulatua Pohan, Faisal Akbar, Mirza Nasution, and Afrila Afrila. Pemberhentian Presiden Melalui Mekanisme Impeachment Berdasarkan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Studi Perbandingan Dengan Amerika Serikat dan Korea Selatan. *Locus Journal of Academic Literature Review*, Vol.3, No.1 (2024), p.141-157.

⁴⁵ Nor Lailatul Rihadatul'Asy, Ranarosyidah, Widy Anastasya Putri, and Mutfaidah. Comparison of Presidential Term Regulations in Several Countries with Presidential Systems: Indonesia, United States, and Philippines. *Journal of Indonesian Constitutional Law*, Vol.1, No.2 (2024), p.84,

⁴⁶ Rizki Aulia Adinda, Cici Fatmala, and Yana Syafrie Hijri. Perbandingan Sistem Pemerintahan Presidensial Amerika dan Indonesia. *Jurnal Pendidikan dan Konseling*, Vol.4 (2022), p.1349-1358.

3.3. Multiparty in a Presidential System of Government

The Constitution of the Republic of Indonesia emphasizes that the police are a state According to Scott Mainwaring's 1993 study, only Chile is able to successfully integrate presidentialism and multiparty systems, highlighting their incompatibility.⁴⁷ Particularly in multiparty presidential systems where majority support is uncommon, combining presidentialism and multipartyism can lead to impasse and unstable governments. Jose Antonio Cheibub's 2007 study on presidentialism and parties,⁴⁸ which found that multiparty parliamentary systems are more effective in legislative procedures,⁴⁹ has improved Sunny Tanuwidjaja's research on the instability and inefficiency of presidential multiparty systems.⁵⁰

In a presidential system, the president can propose ideas without fear of impeachment, which increases the likelihood of legislation being passed. The effectiveness of the legislative process is not affected by variables such as per capita income and the age of democracy. Presidential Systems and the President's Courage to Propose Policy. Presidential systems give the president considerable authority without the direct threat of resignation from the legislature. Although rare and difficult, they can resign through certain procedures. On the other hand, in a parliamentary system, the prime minister can be ousted if he or she lacks support. Legislative Success in Parliamentary vs. Presidential Systems. Because the prime minister and the legislature have direct oversight, parliamentary systems have a more effective legislative process. The government can resign or call new elections if a bill fails to gain majority support, which encourages cooperation in lawmaking. On the other hand, presidential systems tend to make impeachment less likely, which slows the process and increases the need for interparty talks. External Factors in the Success of the Legislative Process. According to Cheibub's research, external variables such as the age of democracy and per capita wealth have a greater impact on legislative effectiveness than the type of coalition or government structure. A country's socioeconomic status and level of democracy have a greater impact on political stability and effectiveness than party affiliation, Government Instability, and the Effect of Governmental System. Cheibub found that the number of parties in a coalition has little effect on the likelihood of instability in presidential or parliamentary governments, and that multiparty systems are not necessarily more unstable, even when the president has greater authority.

According to Cheibub, the government structure or coalition parties have less of an impact on the stability and efficacy of government than elements like economic conditions and the level of democracy.⁵¹ Lijphart gives the example of building a governing coalition (cabinet) among

⁴⁷ Demson Tiopan, Shelly Kurniawan, and Kevin Alim Rabbani. The House of Representatives Legislative Authority in Indonesia's Amended 1945 Constitution. *CIRR*, Vol.XXIX, No.93 (2023), p.254-272

⁴⁸ Shinta Tri Lestari. Sistem Penyederhanaan Kepartaian dalam Konstitusi Negara-Negara Presidensial Multipartai dan Pengalaman di Indonesia. *Jurnal Konstitusi dan Demokrasi*, Vol.3, No.1 (2023).

⁴⁹ José A. Cheibub, Fernando Limongi, and Adam Przeworski. Electing Presidents: A Hidden Facet of Democratization. *Presidential Studies Quarterly*, Vol.53, No.4 (2023), p.476-500

⁵⁰ Anita Indah Widiastuti. Multi-Party in Presidential System in Indonesia: What Does Democracy Mean?. *The Indonesian Journal of International Clinical Legal Education*, Vol.2, No.4 (2020), p.517-526.

⁵¹ I Ketut Ardhana, I Wayan Ardika, and I Nyoman Darma Putra, eds., *Proceedings Internasional Seminar "Building Collaboration and Network in A Globalized World"*, Bali: Postgraduate Program of Cultural Studies Faculty of Arts-Udayana University, 2017

political parties.⁵² Arend Lijphart contends that by fostering a coalition of political parties known as consensual democracy, a multiparty system can produce a stable presidential democracy.⁵³

The Constitution leaves it up to the legislature to govern political parties and their numbers.⁵⁴ However, as popular sovereignty is chosen as the greatest authority, political parties provide a platform for citizens to fight for their rights and obligations in the country.⁵⁵ Discussions concerning the creation of political parties for general elections surfaced during Indonesia's independence. While some supported a multiparty system, others favored a single party system headed by President Soekarno. In November 1945, the Central Indonesian National Committee called for the formation of new parties.

Indonesia has had a multiparty system since 1945 after delaying general elections until 1955. President Soekarno, who came up with the term "cattle trading", was dissatisfied with the power-driven focus of party administrators and criticized the system. After the 1955 general election, Soekarno reduced the number of political parties, leading to the dissolution of 26 out of 36. The remaining ten parties included the Indonesian National Party (PNI), Indonesian Communist Party (PKI), the Indonesian Islamic Union Party (PSII), the Indonesian Christian Party (Parkindo), the Catholic Party, Perti Islamic Party (Perti), Indonesian Independence Support Association (IPKI), Murba Party (Murba), and Indonesian Party (Partindo). General Soeharto's idea that the multiparty system was unsuitable for Indonesia grew rapidly. After the transition from the Old Order to the New Order, the New Order Multiparty System was simplified with a compromise on July 27, 1967. Districts were guaranteed at least one seat, and 100 members of the House of Representatives were appointed from the Armed Forces and Non-Armed Forces. Critics feared it would reduce party leaders' power.

President Soeharto forced all parties to join either the PPI or Golkar after the New Order in Indonesia limited the number of parties from ten to three in 1973. As a result, there were only three competitors from 1977 to 1992. Soeharto's approach to political parties was influenced by religious diversity, with Catholic and Christian parties joining the Indonesian Democratic Party instead of the United Development Party, leading to a more diverse coalition cabinet.⁵⁶ However, this approach also resulted in a lack of familiarity between representatives and the people. President Habibie recognized his government's lack of political legitimacy and hastened elections after the fall of the New Order. In the 1999 elections, more than 200 political parties were formed, but only 48 made it to the selection stage. More than half failed to achieve the basic requirements. Parties had to meet more stringent conditions in the 2004 general

⁵² Titon Slamet Kurnia. Presidential Candidacy Threshold and Presidentialism Affirmation in Indonesia. *Padjadjaran Jurnal Ilmu Hukum*, Vol.7, No.3 (2020), p.353-379

⁵³ Tarunabh Khaitan. Case for Moderated Parliamentarism. *Melbourne Legal Studies Research Paper Series*, No.941 (2021).

⁵⁴ Hajar Abra Emy. Problematika Sistem Multipartai Dalam Bingkai Konstitusi Indonesia. *Jurnal Bawaslu Provinsi Kepulauan Riau*, Vol.4, No.2 (2022), p.121-131.

⁵⁵ Dewi Mulyanti. Mekanisme Pemberhentian Presiden dalam Sistem Pemerintahan Presidensial di Indonesia (Tinjauan Perbandingan Hukum di Negara Amerika Serikat, Filipina dan Sudan). *Jurnal Ilmiah Galuh Justisi*, Vol.6, No.2 (2018), p.195

⁵⁶ Salahudin Pakaya and Amin Dali. Demokrasi dan Sistem Kepartaian di Indonesia. *At-Tanwir Law Review*, Vol.1, No.1 (2021), p.74-95.

elections as a result of the 1999 elections' invaluable experience.⁵⁷

The Constitution's third amendment establishes a direct presidential election, regulating the role of political parties as the sole source for submitting presidential candidates, as stated in Article 6A paragraph (2). The formulation of Article 6A paragraph (2) opens up space for the birth of multi-party parties, this can be concluded from the submission of presidential and vice-presidential candidates by "a coalition of political parties", and as an implementation of these provisions, then ahead of the 2004 election, Law Number 12 of 2003 concerning the Election of Members of the People's Representative Council, Regional Representative Council and Provincial/District/City People's Representative Council, was enacted. Article 9 of Law Number 12 of 2003 stipulates that participation in the election of political parties participating in the election must Obtain at least 3% (three percent) of the total seats in the People's Representative Council, Obtain at least 4% (four percent) of the number of seats in the Provincial People's Representative Council spread across at least ½ (half) of the number of provinces throughout Indonesia; or Obtain at least 4% (four percent) of the number of seats in the City/District People's Representative Council of Regency/City Representatives spread across ½ (half) of the number of regencies/cities throughout Indonesia.

Political parties participating in the general election that do not meet the requirements as referred to in paragraph (1) may only participate in the next election if they join a political party participating in the general election that meets the requirements as referred to in paragraph (1), a political party that does not meet the requirements as referred to in paragraph (1) and then uses the name and image of one of the political parties that joins so as to meet the requirements for obtaining the minimum number of seats; or a political party that does not meet the requirements as referred to in paragraph (1) by forming a new political party with a new name and image so as to meet the requirements for obtaining the minimum number of seats. From a legal perspective, particularly in the context of state administration, the establishment of the threshold must be based on the principles of social justice and general welfare.⁵⁸

According to Article 9 of Law No. 12/2003 on Elections, each political party participating in the 2004 elections must have at least 3 percent of the seats in the House of Representatives, 4 percent of the seats in the Provincial House of Representatives, and 4 percent of the seats in the district/city House of Representatives. Each political party must have representation in at least half of the provinces and districts/cities. This law cut the number of political parties in the 2004 elections by half, from 48 to 24. The Golkar Party won the 2004 legislative election, while the Democratic Party (SBY-JK) won the presidential election.⁵⁹ Because of its widespread support in the House of Representatives, SBY-JK benefited when the Golkar Party entered the government as a result. In a multiparty setting, the president and vice president successfully

⁵⁷ I Wayan Mayang. *Dinamika Sistem multipartai dalam Pelaksanaan Pemilihan Umum di Indonesia Pasca Reformasi*. *Arus Jurnal Sosial dan Humaniora*, Vol.5, No.1 (2025), p.267-272.

⁵⁸ Wijdan Daurut Tazakka, Ending Solehudin, Syahrul, Anwar, Analisis Pembentukan Persentase Ambang Batas Parlemen Berdasarkan Putusan Mahkamah Konstitusi Nomor 116/PUUXXI/2023 Perspektif Siyasa Dusturiyah, *Al-Mustla: Jurnal Ilmu-Ilmu Keislaman dan Kemasyarakatan*, Vol.7, No.2 (Desember 2025), DOI: <https://doi.org/10.46870/jstain.v7i2.2099>

⁵⁹ Kuku Prasetyo Idzharul Haq and Siti Fatimah. Rancang Bangun Sistem Kepartaian di Indonesia Menuju Sistem Multipartai Sederhana dalam Perspektif Hukum. *Amnesti: Jurnal Hukum*, Vol.4, No.1 (2022), p.30-43.

carried out the government.⁶⁰

Political parties participating in the 2004 general elections that obtained at least 3% (three percent) of the number of seats in the House of Representatives) or obtained at least 4% (four percent) of the number of seats in the provincial House of Representatives spread over at least 1/2 (half) of the provinces throughout Indonesia, or obtained at least 4% (four percent) of the number of seats in the I district/city House of Representatives in regencies/cities spread over at least 1/2 (half) of the regencies/cities throughout Indonesia, are designated as political parties participating in the general elections after the 2004 general elections. Political parties not meeting Article 315's requirements can participate in the 2009 election if they join a party that meets the provisions, use the party's name and image sign to meet the minimum number of seats, form a new party, have seats in the House of Representatives, or meet verification requirements by the General Elections Commission.⁶¹

3.4. The Constitutional Court's Decision on the Multiparty System

The substance of this Decision focuses on the review of Article 222 of Law Number 7/2017 on General Elections which regulates the presidential nomination threshold of 20% of the seats in the House of Representatives or 25% of the national valid votes in the previous legislative elections.^{62,63} The applicant argues that the provision is contrary to the 1945 Constitution because it violates the principle of democratic morality by limiting the opportunity for small parties to nominate the president.⁶⁴ Then, it disrupts the rationality of the political system by narrowing the representation of small parties in the presidential nomination arena, and reduces political justice for voters, because the choice of presidential candidates becomes limited. In that sense, if the Constitutional Court decides that the presidential threshold provision is unconstitutional, then the implications are enormous for the multiparty system in Indonesia.⁶⁵

Indonesia's multiparty system is currently facing serious challenges due to the high presidential nomination threshold.⁶⁶ With the removal or revision of this threshold, small and medium-sized

⁶⁰ Muklis Muklis and Muhammad Kholis Mujaiyyin Ahda. Persetujuan Dewan Perwakilan Rakyat dalam Pengangkatan dan Pemberhentian Kepala Kepolisian Negara Republik Indonesia dalam Sistem Presidensial di Indonesia. *Legalitas: Jurnal Hukum*, Vol.14, No.2 (2023), p.265

⁶¹ Dody Wijaya. Pengaruh Pemilu Serentak Terhadap Penguatan Sistem Presidensial di Indonesia. *INDEPENDEN: Jurnal Politik Indonesia dan Global*, Vol.2, No.2 (2021), p.17-28

⁶² Fathullah. Examining the Presidential Threshold in the 2024 Elections: Legal Politics Perspectives in Indonesia. *Jurnal Ruang Hukum*, Vol.2, No.1 (2023), p.19-28.

⁶³ Thalia Christine. Analisis Yuridis tentang Penghapusan Presidential Threshold dan Dampaknya Terhadap Sistem Pemilihan Presiden Republik Indonesia Studi Kasus Putusan MK Nomor 62/PUU-XXII/2024. *Jurnal Hukum Lex Generalis*, Vol.5, No.8 (2024),

⁶⁴ Arfan Yanayir Akbar Sabillilah. Constraining Citizenship: Presidential Threshold in Indonesia's Judicial Framework. *Jurnal Hukum & Pembangunan*, Vol.56, No.1 (2026),

⁶⁵ Nisa Nur Islami and Agus Riwanto. Eksistensi Kedudukan Serta Peran Mahkamah Konstitusi dalam Pemakzulan (Impeachment) Presiden dan/atau Wakil Presiden Pasca Amandemen UUD NRI 1945. *Res Publica: Jurnal Hukum Kebijakan Publik*, Vol.7, No.2 (2023), p.210

⁶⁶ Dodi L. K. Sospelisa, Jemmy Jefry Pietersz, and Renny Heronia Nendissa. Presidential Threshold Dalam Sistem Pemilihan Presiden dan Wakil Presiden di Indonesia. *PAMALI: Pattimura Magister Law Review*, Vol.4, No.1 (2024), p.10-23.

parties will have a greater opportunity to play an active role in presidential nominations.⁶⁷ This could strengthen the bargaining power of small parties in the dynamics of national politics. A high presidential nomination threshold is often considered to encourage political cartelization, where only large parties or large coalitions can carry presidential candidates.⁶⁸ A Constitutional Court ruling that eliminates or lowers this threshold will break the dominance of large parties and allow for healthier and more inclusive political competition. In this sense, the Constitutional Court has created a space for political diversity, where voices from various groups of people, both large and small, can be represented in the House of Representatives. This move is in line with democratic principles that emphasize the right of every individual to be elected and to vote, as well as ensuring that people's voices are not marginalized.⁶⁹

The parliamentary threshold is one of the mechanisms implemented to screen political parties that can gain seats in the legislature.⁷⁰ This mechanism aims to ensure that only parties with significant support from the people can be elected into the House of Representatives. In the 2017 General Election Law, the parliamentary threshold is set at 4% of the total national valid votes for political parties wishing to gain seats in the House of Representatives. Previously, in the 2009 General Election Law, the threshold was set at 3.5%.⁷¹

This parliamentary threshold is regulated in Article 414 paragraph (1) which states that political parties that obtain less than 4% of the national valid votes are not entitled to seats in the House of Representatives.⁷² This provision causes some small parties that have a limited mass base in certain regions, but are quite significant on a local scale, to be unable to qualify for parliament if their national votes do not meet the predetermined threshold.

Removing or adjusting the threshold will open up opportunities for more presidential candidates from different backgrounds. This would give voters more options, while reflecting the diversity of Indonesians' aspirations in elections.⁷³ While reducing or removing the threshold may strengthen the role of smaller parties, it also has the potential to split votes and increase political fragmentation.⁷⁴ Without a threshold, too many presidential candidates can cause voter confusion and undermine political stability. If the ruling results in the removal of

⁶⁷ Umarwan Sutopo, Achmad Hasan Basri, and Hilman Rosyidi. Presidential Threshold in The 2024 Presidential Elections: Implications for The Benefits of Democracy In Indonesia. *Justicia Islamica*, Vol.21, No.1 (2024), p.155-178.

⁶⁸ Yasinta Dyah Paramitha Hapsari and Retno Saraswati. Dampak Pelaksanaan Presidential Threshold Pada Pemilu Serentak Terhadap Demokrasi Di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, Vol.5, No.1 (2023), p.70-84.

⁶⁹ Abdul Ghoffar. Problematika Presidential Threshold: Putusan Mahkamah Konstitusi dan Pengalaman di Negara Lain. *Jurnal Konstitusi*, Vol. 15, No. 3, 2018, p. 480

⁷⁰ Sultoni Fikri, Muhammad Firmansyah, and Vina Sabina. Penguatan Sistem Presidensial Melalui Penerapan Ambang Batas Parliamentary Threshold. *Jurnal Sosial Humaniora Sigli*, Vol. 6, No. 2, 2023, p. 511-520.

⁷¹ Rizky Fadhli. Sistem Multipartai dan Stabilitas Politik di Indonesia. *Jurnal Politik Indonesia*, Vol.5, No.2 (2020), p.98-115

⁷² Aenal Fuad Adam, Wellem Levi Betaubun, and Nur Jalal. Quo Vadis Parliamentary Threshold di Indonesia. *JIIIP: Jurnal Ilmiah Ilmu Pemerintahan*, Vol.6, No.1 (2021), p.1-17.

⁷³ Sirajul Munir. Pengaruh Presidential Threshold Terhadap Alternatif Pilihan Calon Presiden dan Wakil Presiden. *Journal Iuris Scientia*, Vol.1, No.2 (2023), p.64-71.

⁷⁴ Muhammad Zhafran Shobirin, Moh Akbar Adhiyanto, Sholeh Hodidin, and Khabib Syaikhu Rohman. A Comparison of Presidential Threshold Systems in Presidential and Vice-Presidential Elections in Indonesia and Brazil. *Journal of Indonesian Constitutional Law*, Vol.1, No.1 (2024), p.1-14

the presidential threshold, the configuration of political party coalitions will change significantly. Major parties are likely to find it more difficult to maintain a monopoly on power, while smaller parties can choose to form coalitions or stand alone without having to submit to the dominant party's agenda.⁷⁵

The removal of the threshold could create a more open democracy, where every political party has an equal opportunity to nominate a president. With more choices of presidential candidates, public enthusiasm for the election could potentially increase. Conversely, if there are too many candidates, the public could be divided into various political camps, further weakening national solidarity. The General Elections Commission needs to adjust its technical regulations to accommodate more candidates and political parties should adjust their strategies to deal with a more competitive political landscape.

On the other hand, smaller parties that previously struggled to qualify for the House of Representatives now have a greater opportunity to participate in the legislative process. This can increase diversity in political representation in Indonesia. Small parties, despite having a limited mass base, now have the opportunity to fight for certain interests that may not be represented by larger parties. This can also enrich the democratic process by giving voters more choices. While the Constitutional Court ruling opens up opportunities for smaller parties, it also poses challenges in terms of governing coalitions. With more parties entering parliament, forming stable and solid coalitions becomes more difficult. Fragmented coalitions can hamper the government's ability to formulate coherent and implementable policies.

The Constitutional Court's decision to lower the parliamentary threshold to 3% provides an opportunity for small parties that have a limited but significant support base at the regional level to gain seats in the House of Representatives. This is expected to increase diversity in political representation and ensure that more people's voices are represented.

The novelty of this research lies in viewing a multiparty system not merely as an obstacle to governmental stability, but as a consequence of democracy that must be managed through electoral design, accountable coalition patterns, and strengthened checks and balances; thus, governmental effectiveness is achieved not by excessively restricting political representation, but by establishing a more balanced relationship among the President, political parties, the parliament, and the Constitutional Court.

4. CONCLUSION

Indonesia's presidential system establishes the President as both head of state and head of government directly elected by the people and immune to removal via a vote of no confidence thereby normatively reinforcing the presidential system. However, the multiparty system poses challenges to governmental effectiveness, as the President requires political support from parliamentary parties, making coalitions, policy compromises, and potential political deadlocks difficult to avoid. A comparison with the United States suggests that a presidential system

⁷⁵ Ghina Salsabila Aven and Davit Bagus Triyantoro. Putusan MK dan Evaluasi Ambang Batas Pencalonan Presiden: Arah Revisi UU Pemilu dan Dampaknya terhadap Demokrasi di Indonesia. *Rewang Rencang: Jurnal Hukum Lex Generalis*, Vol.6, No.8 (2025), p.1-13.

operates with greater stability when underpinned by a clear separation of powers and robust checks and balances. Consequently, efforts to strengthen Indonesia's presidential system must focus on refining the electoral design, fostering more accountable coalitions, and balancing governmental effectiveness with public political representation.

BIBLIOGRAPHY

Journals:

- Abdul Ghoffar. Problematika Presidential Threshold: Putusan Mahkamah Konstitusi dan Pengalaman di Negara Lain, *Jurnal Konstitusi*, Vol.15, No.3 (2018), DOI: <https://doi.org/10.31078/jk1532>.
- Ach. Faidi. Problematika Legislasi dalam Sistem Pemerintahan Presidensial Multipartai, *As-Shahifah: Journal of Constitutional Law and Governance*, Vol.1, No.1 (2021), DOI: <https://doi.org/10.19105/asshahifah.v1i1.5886>.
- Aditya Perdana, Muhammad Imam, dan Syafril Effendi. The Coalitional Presidentialism and Presidential Toolbox in the Philippines and Indonesia, *Journal of ASEAN Studies*, Vol.12, No.2 (2024), DOI: <https://doi.org/10.21512/jas.v12i2.11449>.
- Aenal Fuad Adam, Wellem Levi Betaubun, dan Nur Jalal. Quo Vadis Parliamentary Threshold di Indonesia, *JIIIP: Jurnal Ilmiah Ilmu Pemerintahan*, Vol.6, No.1 (2021), DOI: <https://doi.org/10.14710/jiip.v6i1.8618>.
- Amanda Dea Lestari. Implikasi Sistem Multi Partai terhadap Sistem Pemerintahan Presidensial Indonesia, *Jurnal Sains Sosio Humaniora*, Vol.6, No.2 (2022), DOI: <https://doi.org/10.22437/jssh.v6i2.25107>.
- Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does It Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–50, <https://doi.org/10.18196/jmh.v32i1.25678>.
- Andri Winjaya Laksana et al., "Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System," *Media Iuris* 7, no. 3 (2024): 401–16, <https://doi.org/10.20473/MI.V7I3.62984>.
- Anita Indah Widiastuti. Multi-Party in Presidential System in Indonesia: What Does Democracy Mean?, *The Indonesian Journal of International Clinical Legal Education*, Vol.2, No.4 (2020), DOI: <https://doi.org/10.15294/ijicle.v2i4.43552>.
- Ardiansyah, Juhriati, Nurchayati, dan Boedi Djatmiko. Pengaturan Penyederhanaan Partai Politik dalam Sistem Kepartaian di Indonesia, *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana*, Vol.7, No.1 (2025), DOI: <https://doi.org/10.46930/jurnalrectum.v7i1.5198>.
- Arfan Yanayir Akbar Sabillilah. Constraining Citizenship: Presidential Threshold in Indonesia's Judicial Framework, *Jurnal Hukum & Pembangunan*, Vol.56, No.1 (2026), DOI: <https://doi.org/10.21143/jhp.vol56.no.1.2108>.

- Bagus Surya Prabowo, Menggagas Judicial Activism dalam Putusan Presidential Threshold di Mahkamah Konstitusi, *Jurnal Konstitusi*, Vol.19, No.1 (2022), DOI: <https://doi.org/10.31078/jk1914>.
- Blake Emerson. The Departmental Structure of Executive Power: Subordinate Checks from Madison to Mueller, *Yale Journal on Regulation*, Vol.38, No.1 (2021).
- Cass R. Sunstein. The Rule of Law vs. Party Nature: Presidential Elections, the U.S. Constitution, the Electoral Count Act of 1887, the Horror of January 6, and the Electoral Count Reform Act of 2022, *Boston University Law Review*, Vol.33, No.1 (2022).
- Chuasanga A., Ong Argo Victoria. Legal Principles Under Criminal Law in Indonesia and Thailand, *Jurnal Daulat Hukum*, Vol.2, No.1 (2019), DOI: <https://dx.doi.org/10.30659/jdh.v2i1.4218>
- Dara Purnama, Muhammad Naufal, dan Kamal Muntaha Ahmad, Power Shifting and the Challenges of Presidential System in Indonesia (1945-2019), *OISAA Journal of Indonesia Emas*, Vol. 4, No.2 (2021), DOI: <https://doi.org/10.52162/jie.2021.004.02.7>.
- Demson Tiopan, Shelly Kurniawan, dan Kevin Alim Rabbani, The House of Representatives Legislative Authority in Indonesia's Amended 1945 Constitution, *CIRR*, Vol.XXIX, No.93 (2023).
- Denny Indra Sukmawan dan Syaugi Pratama, Critical Review of the Constitutional Court's Decision on the Presidential Threshold, *Jurnal Konstitusi*, Vol.20, No.4 (2023), DOI: <https://doi.org/10.31078/jk2041>.
- Dewi Iriani, Muhammad Fauzan, Ayu Hudzaifah, Joe Rey Acob, and Daffa Maulidio Inzaghi, Judicial Restraint Law Judicial Restraint Law Politics of the Constitutional Court Against Parliamentary Threshold: A Comparison of Indonesia and Philippines, *Jurnal Jurisprudence*, Vol.15, No.1 (June 2025), DOI: <https://doi.org/10.23917/jurisprudence.v15i1.8716>
- Dewi Mulyanti, Mekanisme Pemberhentian Presiden dalam Sistem Pemerintahan Presidensial di Indonesia: Tinjauan Perbandingan Hukum di Negara Amerika Serikat, Filipina dan Sudan, *Jurnal Ilmiah Galuh Justisi*, Vol.6, No.2 (2018), DOI: <https://doi.org/10.25157/jigj.v6i2.1714>.
- Dina Fadiyah, Dilema Sistem Multipartai dalam Sistem Presidensial di Indonesia, *Madani: Jurnal Politik dan Sosial Kemasyarakatan*, Vol.14, No.1 (2022), DOI: <https://doi.org/10.52166/madani.v14i1.2881>.
- Djayadi Hanan, Tri Sulistianing Astuti, dan Luthfi Widagdo Eddyono, Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia, *Jurnal Konstitusi*, Vol.22, No.2 (2025), DOI: <https://doi.org/10.31078/jk2223>.
- Dodi L. K. Soselisa, Jemmy Jefry Pietersz, dan Renny Heronia Nendissa, Presidential Threshold dalam Sistem Pemilihan Presiden dan Wakil Presiden di Indonesia, *PAMALI: Pattimura Magister Law Review*, Vol.4, No.1 (2024).
- Dody Wijaya, Pengaruh Pemilu Serentak terhadap Penguatan Sistem Presidensial di Indonesia, *Independen: Jurnal Politik Indonesia dan Global*, Vol.2, No.2 (2021), DOI: <https://doi.org/10.24853/independen.2.2.17-28>.
- Eko Noer Kristiyanto, Pemakzulan Presiden Republik Indonesia Pasca Amandemen UUD 1945, *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, Vol.2, No.3 (2013), DOI: <https://doi.org/10.33331/rechtsvinding.v2i3.63>.

- Eugen Mohamad, Implementation of Mixed-Election System as a Way to Purify Indonesian Presidential System, *Jurnal Konstitusi*, Vol.22, No.3 (2025), DOI: <https://doi.org/10.31078/jk2236>.
- Fadhlan Fahmi Tarigan, Fiyan Hamdi Lubis, dan Abdul Hadi Mustofa, Problematics of the Implementation of the Presidential Threshold in Elections, *NOMOI Law Review*, Vol.4, No.1 (2023).
- Fathullah, Examining the Presidential Threshold in the 2024 Elections: Legal Politics Perspectives in Indonesia, *Jurnal Ruang Hukum*, Vol.2, No.1 (2023).
- Fifiana Wisnaeni, Mujiono Hafidh Prasetyo, Madaskolay Viktoris Dahoklory, dan Jihyun Park, Diagnosing Electoral System Performance: A Juridical Analysis of Open-List Proportional Representation in Indonesia, *Law Reform*, Vol.22, No.2 (2026), DOI: <https://doi.org/10.14710/lr.v22i2.74052>.
- Georgius Benny dan Anindya Putri Maharani, Implikasi Sistem Multipartai terhadap Oposisi di Indonesia: Analisis Hasil Pemilu 2024 dengan Indeks ENPP, *NeoRespublica: Jurnal Ilmu Pemerintahan*, Vol.5, No.2 (2024), DOI: <https://doi.org/10.52423/neores.v5i2.286>.
- Ghina Salsabila Aven dan Davit Bagus Triyantoro, Putusan MK dan Evaluasi Ambang Batas Pencalonan Presiden: Arah Revisi UU Pemilu dan Dampaknya terhadap Demokrasi di Indonesia, *Rewang Rencang: Jurnal Hukum Lex Generalis*, Vol.6, No.8 (2025).
- Gleaves Whitney, Presidential Power, *Ideas and Movements That Shaped America: From the Bill of Rights to "Occupy Wall Street"*, Vol.1, No.3 (2015).
- Hajar Abra Emy, Problematika Sistem Multipartai dalam Bingkai Konstitusi Indonesia, *Jurnal Bawaslu Provinsi Kepulauan Riau*, Vol.4, No.2 (2022), DOI: <https://doi.org/10.55108/jbk.v4i2.215>.
- Harlina Hamid dan Nurasia Natsir, Constitutional Analysis of Executive Power Limitations in Presidential Systems: A Comparative Study of Indonesia and The United States, *International Journal of Sociology and Law*, Vol.2, No.2 (2025), DOI: <https://doi.org/10.62951/ijsl.v2i2.570>.
- Indri Wulandari Mayang, Dinamika Sistem Multipartai dalam Pelaksanaan Pemilihan Umum di Indonesia Pasca Reformasi, *Arus Jurnal Sosial dan Humaniora*, Vol.5, No.1 (2025), DOI: <https://doi.org/10.57250/ajsh.v5i1.1005>.
- Isharyanto dan Satriyo Sasono, Legislative Legitimacy Erosion and Institutional Dysfunction in Indonesia's Multiparty Presidential System, *Jurnal Konstitusi*, Vol.23, No.2 (2026), DOI: <https://doi.org/10.31078/jk2329>.
- José A. Cheibub, Fernando Limongi, dan Adam Przeworski, Electing Presidents: A Hidden Facet of Democratization, *Presidential Studies Quarterly*, Vol.53, No.4 (2023).
- Kukuh Prasetyo Idzharul Haq dan Siti Fatimah, Rancang Bangun Sistem Kepartaian di Indonesia Menuju Sistem Multipartai Sederhana dalam Perspektif Hukum, *Amnesti: Jurnal Hukum*, Vol.4, No.1 (2022), DOI: <https://doi.org/10.37729/amnesti.v4i1.1759>.
- Luthfi Ansori, Pembentukan Kabinet Koalisi dalam Sistem Presidensial Multi Partai di Indonesia, *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, Vol.12, No.2 (2023), DOI: <https://doi.org/10.24252/ad.vi.42086>.
- M. Mustofah Bisri, Institutional Redesign to Strengthen the Presidential System and Government Effectiveness in Indonesia, *Journal of Constitutional and Governance Studies*, Vol.2, No.1 (2025), DOI: <https://doi.org/10.20885/JCGS.vol2.iss1.art2>.
- M. Yasin Al Arif dan Elif Yaren Çalkacı, Organizing the Formation of the Presidential Cabinet in Indonesia: A Comparative Analysis with the United States, the Philippines, Argentina,

- and South Africa, *Indonesian Journal of Law and Syariah*, Vol.1, No.2 (2025), DOI: <https://doi.org/10.58524/ijls.v1i2.45>.
- Mahesa Rannie, Retno Saraswati, dan Fifiana Wisnaeni, Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?, *Sriwijaya Law Review*, Vol.8, No.1 (2024), DOI: <https://doi.org/10.28946/slrev.Vol8.Iss1.3157.pp133-151>.
- Moh Priyo Manfaat, Simultaneously Election Impact on the Presidential System in Indonesia, *Jurnal Daulat Hukum*, Vol.2, Issue.3 (September 2019), DOI: <https://dx.doi.org/10.30659/jdh.v2i3.5557>
- Muhammad Zhafran Shobirin, Moh Akbar Adhiyanto, Sholeh Hoddin, dan Khabib Syaikh Rohman, A Comparison of Presidential Threshold Systems in Presidential and Vice-Presidential Elections in Indonesia and Brazil, *Journal of Indonesian Constitutional Law*, Vol.1, No.1 (2024).
- Muklis Muklis dan Muhammad Kholis Mujaib, Persetujuan Dewan Perwakilan Rakyat dalam Pengangkatan dan Pemberhentian Kepala Kepolisian Negara Republik Indonesia dalam Sistem Presidensial di Indonesia, *Legalitas: Jurnal Hukum*, Vol.14, No.2 (2023), DOI: <https://doi.org/10.33087/legalitas.v14i2.348>.
- Mulatua Pohan, Faisal Akbar, Mirza Nasution, dan Afnila Afnila, Pemberhentian Presiden Melalui Mekanisme Impeachment Berdasarkan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Studi Perbandingan dengan Amerika Serikat dan Korea Selatan, *Locus Journal of Academic Literature Review*, Vol.3, No.1 (2024).
- Ni Made Anggia Parameshti Fajar, Presidential Government System Strengthening Through a Party System Simplification: A Comparison Between the Indonesian Party System and the United States Party System, *UNTAG Law Review*, Vol.7, No.2 (2023), DOI: <https://doi.org/10.56444/ulrev.v7i2.4600>.
- Nisa Nur Islami dan Agus Riwanto, Eksistensi Kedudukan serta Peran Mahkamah Konstitusi dalam Pemakzulan (*Impeachment*) Presiden dan/atau Wakil Presiden Pasca Amandemen UUD NRI 1945, *Res Publica: Jurnal Hukum Kebijakan Publik*, Vol.7, No.2 (2023).
- Nor Lailatul Rihadatul'Asy, Ranarosyidah, Widy Anastasya Putri, dan Mutfaidah, Comparison of Presidential Term Regulations in Several Countries with Presidential Systems: Indonesia, United States, and Philippines, *Journal of Indonesian Constitutional Law*, Vol.1, No.2 (2024), DOI: <https://doi.org/10.71239/jicl.v1i2.3>.
- Rendy Sueztra Canaldhy, Suandi, dan Umi Purwanti, Perbandingan Sistem Pemilihan Umum Presiden Amerika Serikat dengan Indonesia, *Jurnal Ilmiah Ilmu Administrasi*, Vol.13, No.1 (2023), DOI: <https://doi.org/10.33592/jiia.v13i1.3494>.
- Rizki Aulia Adinda, Cici Fatmala, dan Yana Syafrie Hijri, Perbandingan Sistem Pemerintahan Presidensial di Indonesia dan Amerika Serikat, *Jurnal Pendidikan dan Konseling*, Vol.5, No.1 (2023), DOI: <https://doi.org/10.31004/jpdk.v5i1.11325>.
- Rizki Aulia Adinda, Cici Fatmala, dan Yana Syafrie Hijri, Perbandingan Sistem Pemerintahan Presidensial Amerika dan Indonesia, *Jurnal Pendidikan dan Konseling*, Vol.4, (2022).
- Rizky Fadhli, Sistem Multipartai dan Stabilitas Politik di Indonesia, *Jurnal Politik Indonesia*, Vol.5, No.2 (2020).
- Rodrigo Barrenechea dan Alberto Vergara, Peru: The Danger of Powerless Democracy, *Journal of Democracy*, Vol.34, No.2 (2023), DOI: <https://doi.org/10.1353/jod.2023.0015>.

- Salahudin Pakaya dan Amin Dali, Demokrasi dan Sistem Kepartaian di Indonesia, *At-Tanwir Law Review*, Vol.1, No.1 (2021), DOI: <http://dx.doi.org/10.31314/atlarev.v1i1.628>.
- Shinta Tri Lestari, Sistem Penyederhanaan Kepartaian dalam Konstitusi Negara-Negara Presidensial Multipartai dan Pengalaman di Indonesia, *Jurnal Konstitusi dan Demokrasi*, Vol.3, No.1 (2023).
- Sirajul Munir, Pengaruh Presidential Threshold terhadap Alternatif Pilihan Calon Presiden dan Wakil Presiden, *Journal Iuris Scientia*, Vol.1, No.2 (2023).
- Sultonik Fikri, Muhammad Firmansyah, dan Vina Sabina, Penguatan Sistem Presidensial Melalui Penerapan Ambang Batas Parliamentary Threshold, *Jurnal Sosial Humaniora Sigli*, Vol.6, No.2, 2023.
- Suparto Suparto, Pelaksanaan Sistem Pemerintahan Presidensial dengan Multi Partai di Indonesia, *SASI*, Vol.27, No.4 (2021), DOI: <https://doi.org/10.47268/sasi.v27i4.600>.
- Syahdina Diva Azahwa, Bintang Aura Mayesa Putri, Angelia Stephanie Vadia, Huwayda Rahmania, Fadhia Chalisha Adzzahra, dan Restu Rahmawati, Implikasi Sistem Presidensial dengan Konsep Multipartai terhadap Stabilitas Politik di Indonesia pada Pemilu 2024, *Indonesian Journal of Law and Justice*, Vol.2, No.4 (2025), DOI: <https://doi.org/10.47134/ijlj.v2i4.4420>.
- Tarunabh Khaitan, Case for Moderated Parliamentarism, *Melbourne Legal Studies Research Paper Series*, No. 941, 2021, DOI: <https://doi.org/10.2139/ssrn.3762507>.
- Thalia Christine, Analisis Yuridis tentang Penghapusan Presidential Threshold dan Dampaknya terhadap Sistem Pemilihan Presiden Republik Indonesia: Studi Kasus Putusan MK Nomor 62/PUU-XXII/2024, *Jurnal Hukum Lex Generalis*, Vol. 5, No. 8, 2024, DOI: <https://doi.org/10.56370/jhlq.v5i8.961>.
- Titon Slamet Kurnia, Presidential Candidacy Threshold and Presidentialism Affirmation in Indonesia, *Padjadjaran Jurnal Ilmu Hukum*, Vol.7, No.3 (2020), DOI: <https://doi.org/10.22304/pjih.v7n3.a4>.
- Umarwan Sutopo, Achmad Hasan Basri, dan Hilman Rosyidi, Presidential Threshold in The 2024 Presidential Elections: Implications for The Benefits of Democracy in Indonesia, *Justicia Islamica*, Vol.21, No.1 (2024), DOI: <https://doi.org/10.21154/justicia.v21i1.7577>.
- Uu Nurul Huda, Firdaus Arifin, Anthon F. Susanto, dan Mohd Kamarulnizam Abdullah, Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections, *Law Reform*, Vol.21, No.2 (2025), DOI: <https://doi.org/10.14710/lr.v21i2.66848>.
- Wijdan Daurut Tazakka, Ending Solehudin, Syahrul, Anwar, Analisis Pembentukan Persentase Ambang Batas Parlemen Berdasarkan Putusan Mahkamah Konstitusi Nomor 116/PUUXXI/2023 Perspektif Siyasah Dusturiyah, *Al-Mustla: Jurnal Ilmu-Ilmu Keislaman dan Kemasyarakatan*, Vol.7, No.2 (Desember 2025), DOI: <https://doi.org/10.46870/jstain.v7i2.2099>;
- Yasinta Dyah Paramitha Hapsari dan Retno Saraswati, Dampak Pelaksanaan Presidential Threshold pada Pemilu Serentak terhadap Demokrasi di Indonesia, *Jurnal Pembangunan Hukum Indonesia*, Vol.5, No.1 (2023), DOI: <https://doi.org/10.14710/jphi.v5i1.70-84>.

Books:

- Arend Lijphart. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, America: Yale University Press, New Haven. 1999.

- Bagir Manan. *Lembaga Kepresidenan*, Yogyakarta: Pusat Studi Hukum UII dan Gama Media, 1999.
- Daniele Caramani, *Comparative Politics*, United States of America: Edisi Ketiga, Oxford University Press, 2014.
- David Tarr dan Ann O'Connor, *Congressional Record*, Congress A to Z. 2014.
- Gene Healy, *America's Dangerous Devotion to Executive Power: The Cult of the Presidency*, Canada: Cato Institute, 2024.
- I Ketut Ardhana, I Wayan Ardika, dan I Nyoman Darma Putra. *Proceedings International Seminar "Building Collaboration and Network in A Globalized World"*, Bali : Postgraduate Program of Cultural Studies Faculty of Arts-Udayana University, 2017.
- Jimly Asshiddiqie. *Hukum Tata Negara dan Pilar-Pilar Demokrasi*, Jakarta: Konstitusi Press, 2006.
- _____. *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta. Sinar Grafika, 2020.
- Krzysztof Trzcinski, *Institutional Engineering and Hybrid Power-Sharing in Divided Societies*, Germany: V & R Unipress. 2024.
- Sri Soemantri M., *Ketetapan Majelis Permusyawaratan Rakyat (S) sebagai Salah Satu Sumber Hukum Tata Negara*, Bandung: Remaja Karya, 1998.