

From Open Legal Policy to Judicial Reversal: Constitutional Compliance and the Abolition of the Presidential Threshold in Indonesia

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Abstract. *The presidential threshold regulation in Indonesia, as stipulated in Article 222 of Law Number 7 of 2017 on General Elections, has generated sustained constitutional controversy regarding its compatibility with fundamental democratic principles. This study critically examines the constitutional validity of the presidential threshold requirement, which mandates that political parties or coalitions secure a minimum of twenty percent of seats in the House of Representatives or twenty-five percent of the national vote to nominate presidential and vice-presidential candidates. Employing a normative juridical methodology that integrates statutory, conceptual, and case-based analytical approaches, this study investigates whether the threshold aligns with the constitutional guarantees of popular sovereignty, political equality, and protection of political rights enshrined in the 1945 Constitution of the Republic of Indonesia. The findings reveal that while the Constitutional Court has historically upheld the threshold on the basis of legislative discretion and governmental stability concerns, the provision generates structural tensions with democratic inclusivity and political pluralism. The landmark Decision Number 62/PUU-XXII/2024, in which the Court ultimately abolished the threshold, marks a significant judicial reorientation toward representativeness over governability. This study concludes that meaningful electoral reform must reconcile the imperatives of political stability with broader constitutional commitments to equal political participation, and recommends the introduction of alternative candidacy frameworks that are constitutionally grounded and democratically inclusive.*

Keywords: *Constitutional Court; Democracy; Electoral Reform; Indonesia; Presidential Threshold.*

1. Introduction

The question of the presidential threshold (*ambang batas pencalonan presiden*) has persisted as one of the most contested constitutional issues in Indonesia's democratic life since the enactment of Law Number 7 of 2017 on General Elections (*Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum*). Under this framework, political parties or coalitions are required to hold a minimum of twenty percent of seats in the House of Representatives (DPR) or obtain at least twenty-five percent of the national vote in legislative elections before being permitted to nominate presidential and vice-presidential candidates. This mechanism has been subjected to repeated constitutional challenge before the Mahkamah Konstitusi Republik Indonesia, with critics contending that it restricts political competition and runs contrary to constitutional guarantees of equality before the law, equal opportunity in governance, and popular sovereignty under UUD NRI 1945, specifically Articles 27(1), 28D(3), and 28I(2).

From a constitutional design perspective, the presidential threshold reflects an attempt by the legislature to calibrate the relationship between political stability and effective governance (Susanti, 2017). Supporters of the mechanism maintain that limiting the number of presidential candidacies encourages the formation of coherent and stable governments by reducing the risks associated with excessive political fragmentation (Shugart & Carey, 1992). Those who oppose the threshold, however, contend that the provision structurally undermines the democratic entitlement of citizens both to stand as candidates and to exercise their electoral choices from a genuinely competitive field (Siregar, 2018). Scholarly inquiry has increasingly drawn attention to the extent to which such mechanisms may entrench the power of established political parties at the expense of emerging political actors and minority voices within the democratic process (Hakim & Al Arif, 2024).

For the greater part of its existence, the threshold was upheld by the Constitutional Court on the basis that it fell within the legislature's domain of constitutional discretion, known as the doctrine of open legal policy or *kebijakan hukum terbuka* (Mahkamah Konstitusi Republik Indonesia, 2008; Mahkamah Konstitusi Republik Indonesia, 2017). Nevertheless, the legitimacy of this reasoning has attracted sustained scholarly criticism. It has been argued that the Court's consistent deference to legislative prerogative did not adequately resolve the underlying tension between political pragmatism and constitutional idealism (Soeod, 2023). The fluidity and transactional character of political coalitions in Indonesia further called into question whether the threshold was genuinely producing the governmental stability it was designed to ensure, or whether it was primarily functioning as a mechanism to consolidate elite dominance (Mietzner, 2025; Pepinsky, 2025).

The broader context of electoral reform in Indonesia is inseparably linked to the principle of constitutional supremacy, which demands that all electoral legislation

conform to the foundational values embedded in the 1945 Constitution, including the sovereignty of the people, political equality, and the protection of fundamental rights.⁷ In this setting, the judicial review of the presidential threshold has come to represent not merely a technical legal question but also a substantive test of Indonesia's fidelity to democratic consolidation. This tension culminated in Constitutional Court Decision Number 62/PUU-XXII/2024, in which the Court departed from its prior position and declared Article 222 of Law Number 7 of 2017 unconstitutional, thereby abolishing the threshold altogether and opening presidential nominations to all qualifying political parties (Hanan et al., 2025; Melfa & Putra, 2026).

This study aims to critically examine the constitutional dimensions of the presidential threshold in Indonesia by addressing three interrelated issues: (i) the historical and legal foundations of the provision; (ii) the trajectory of the Constitutional Court's jurisprudence on threshold-related petitions; and (iii) the implications of both the former regime and its abolition for future electoral reform. By engaging with these dimensions, the study contributes to ongoing scholarly debate on how Indonesia may reconcile the legitimate demands of political stability with the constitutional imperatives of democratic inclusivity and equal political participation.

The following research questions guide this inquiry:

1. Given the fundamental principles of the 1945 Constitution of the Republic of Indonesia, particularly those concerning popular sovereignty, equality before the law, and political rights, was the presidential threshold as provided in Law Number 7 of 2017 constitutionally justifiable?
2. To what extent did the presidential threshold constrain democratic competition and political pluralism within Indonesia's presidential electoral system?
3. What constitutional and normative reforms are required to align Indonesia's electoral candidacy framework with democratic principles and the mandate of the 1945 Constitution in the aftermath of Decision Number 62/PUU-XXII/2024?

Article 222 of Law Number 7 of 2017 on General Elections, which established Indonesia's presidential threshold, generated deep scholarly dispute and sustained constitutional challenge throughout the period of its enforcement. At its core, the principal normative question concerned whether the requirement that political parties or coalitions secure a defined minimum proportion of parliamentary seats or national votes as a precondition for nominating presidential candidates could be reconciled with the foundational principles of the 1945 Constitution.

At the normative level, the threshold imposed meaningful restrictions upon political rights, particularly the constitutionally protected entitlements to seek nomination and to nominate candidates in presidential elections. These restrictions were in

potential tension with the constitutional guarantees of equality before the law, equal opportunity in governance, and the principle of popular sovereignty, which positions the people as the original and supreme source of political authority. The practical effect of the provision was to construct structural barriers that systematically advantaged established parties while impeding the entry of smaller formations and newly emergent political actors into the presidential arena (Hakim & Al Arif, 2024).

From the standpoint of democratic theory, the threshold presented a persistent normative paradox. On one reading, it served as a legitimate prophylactic device against the fragmentation of presidential candidacies and the resulting risks to governmental coherence. On another, it functioned as an instrument that narrowed electoral choice, diminished competitive plurality, and reinforced tendencies toward political oligarchy. This paradox was compounded by the observation that the threshold operated in conditions where coalition formation was frequently driven by transactional calculations rather than ideological affinity, thus raising doubts about its effectiveness even on its own stated terms (Rannie et al., 2024; Pepinsky, 2025). This concern resonates with empirical findings that elite-centered regimes in Indonesia have functioned as structural barriers to broader meritocratic political participation, reinforcing rather than resolving the tension between stability and openness (Vikalista et al., 2025). This normative paradox had in fact been anticipated well before the 2024 ruling: critical analyses of the threshold's application in the 2024 general election warned that the mechanism was structurally difficult to reconcile with normative legal standards governing political rights (Cahyono et al., 2023). Earlier still, comparative studies of the right to be elected and the right to vote as constitutional entitlements had questioned whether thresholds of this magnitude could be justified within a constitutional order premised on equal political participation (Budahu et al., 2022).

Repeated contestation of the threshold before the Mahkamah Konstitusi yielded a body of jurisprudence that, while consistently sustaining the constitutionality of the provision for an extended period, was ultimately unable to produce a stable and coherent doctrinal settlement. The Court's reasoning, grounded in the concept of open legal policy, afforded the legislature broad discretion in electoral design but did not adequately address the constitutional tensions arising from the restriction of political rights. This doctrinal instability contributed to persistent legal uncertainty in the field of electoral regulation (Nggilu et al., 2023; Soeod, 2023).

The central problem that this study therefore addresses is the normative incoherence between the presidential threshold policy and the constitutional principles it was required to respect, as well as the institutional inadequacy of the doctrinal frameworks deployed to justify the provision within a democratic constitutional order. The study further seeks to analyze the constitutional significance of the Court's

eventual abolition of the threshold in Decision Number 62/PUU-XXII/2024 and to identify the implications of that decision for future electoral reform.

The overarching purpose of this study is to undertake a critical and systematic analysis of the constitutional and democratic dimensions of Indonesia's presidential threshold regulation, with a view to informing the scholarly and policy discourse on electoral reform. The following objectives directly correspond to the research questions identified in the introduction.

The first objective, which addresses the initial research question, is to examine the constitutional legitimacy and normative foundation of the presidential threshold as provided in Article 222 of Law Number 7 of 2017 on General Elections, by reference to the principles enshrined in the 1945 Constitution, specifically those concerning equality before the law, popular sovereignty, and the protection of political rights. This examination includes an assessment of the extent to which the threshold's eventual abolition by Decision Number 62/PUU-XXII/2024 reflects a reorientation of constitutional interpretation toward these principles (Hakim & Al Arif, 2024).

The second objective, corresponding to the second research question, is to evaluate the compatibility of the presidential threshold with democratic values, with particular reference to the quality of political participation, the degree of electoral competitiveness, and the equality of opportunity available to political parties and candidates in the presidential nomination process. This evaluation draws on both theoretical frameworks and empirical observations from Indonesia's electoral history between 2004 and 2024 (Rannie et al., 2024; Pepinsky, 2025).

The third objective is to trace and analyze the Constitutional Court's interpretive reasoning and doctrinal development in adjudicating threshold-related petitions, with the aim of identifying patterns, inconsistencies, and the nature of the jurisprudential shift that culminated in Decision Number 62/PUU-XXII/2024. Special attention is given to the application and limits of the open legal policy doctrine (Nggilu et al., 2023; Soeod, 2023).

The fourth objective is to identify and articulate the constitutional tensions and normative inconsistencies that arose from the implementation of the presidential threshold within Indonesia's electoral system, including the structural effects on smaller political parties and the concentration of electoral power among established formations.

The fifth objective, which responds to the third research question, is to formulate recommendations for a constitutionally grounded and democratically coherent framework for presidential candidacy regulation in the post-threshold era, taking into account comparative constitutional experience and the requirements of Indonesia's unique multiparty presidential context (Jimly Asshiddiqie, 2021; Mietzner, 2025).

2. Research Methods

This study employs a qualitative legal research design grounded in a normative juridical approach, which is appropriate for an inquiry concerned with the interpretation, coherence, and constitutional validity of legal norms within Indonesia's electoral framework. The normative juridical method operates through the systematic examination of legal texts, doctrinal principles, judicial decisions, and scholarly commentary, rather than through the collection of empirical social data (Indrati, 2007).

Three distinct analytical approaches are deployed in combination. The statutory approach (*pendekatan perundang-undangan*) involves the critical examination of relevant primary legal instruments, principally the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Law Number 7 of 2017 on General Elections, and Constitutional Court decisions relating to the presidential threshold. The analysis specifically addresses Law Number 7 of 2017, the formal constitutional provisions in Articles 22E, 27(1), 28D(3), and 28I(2), as well as the body of implementing regulations governing the electoral process. The statutory approach makes it possible to assess internal normative consistency and to identify points of tension between electoral legislation and constitutional mandates.

The conceptual approach (*pendekatan konseptual*) draws upon theoretical literature in the fields of constitutional law, democratic theory, electoral system design, and comparative politics. This approach enables the study to situate the Indonesian presidential threshold within broader analytical frameworks concerning political participation, proportional representation, and the relationship between electoral rules and democratic quality (Sartori 1976; Lijphart, 1999). Recent scholarly contributions have substantially enriched this analytical layer, including work that specifically interrogates the constitutional and democratic dimensions of Indonesia's threshold mechanism (Hakim & Al Arif, 2024; Rannie et al., 2024).

The case approach (*pendekatan kasus*) is applied through a systematic analysis of Constitutional Court decisions addressing judicial review petitions related to the presidential threshold, from the earliest challenges through to the landmark ruling in Decision Number 62/PUU-XXII/2024. Particular attention is given to the Court's articulation and evolution of the open legal policy doctrine, the proportionality reasoning applied in threshold cases, and the significant doctrinal shift reflected in the 2024 decision (Hanan et al., 2025; Melfa & Putra, 2026).

The study draws on three categories of legal materials. Primary legal materials encompass constitutional texts, statutory instruments, and Constitutional Court decisions. Secondary legal materials include peer-reviewed journal articles, academic monographs, and expert legal commentary. Tertiary legal materials comprise legal encyclopedias, dictionaries, and verified digital sources. Data are analyzed through a

qualitative descriptive method, in which legal norms are interpreted and evaluated in a systematic and critical manner, with the aim of identifying normative inconsistencies, constitutional tensions, and reform imperatives.

3. Result and Discussion

3.1 Legal Foundation and Constitutional Legitimacy

Responding to the first research question, the constitutional basis for the presidential threshold was located in Article 222 of Law Number 7 of 2017 on General Elections, which conditioned presidential nominations upon a political party or coalition holding at least twenty percent of DPR seats or twenty-five percent of the national vote. For an extended period, the Mahkamah Konstitusi consistently affirmed the constitutional permissibility of this arrangement by invoking the doctrine of open legal policy, which grants the legislature discretionary authority to regulate electoral processes within constitutional boundaries (Mahkamah Konstitusi Republik Indonesia, 2008; Mahkamah Konstitusi Republik Indonesia, 2017).

The Court's reasoning positioned the threshold as a legitimate instrument for achieving the constitutionally permissible objective of governmental stability. Nevertheless, the doctrine of open legal policy was never unlimited in its reach. Scholars have consistently maintained that legislative discretion in electoral matters must remain bounded by the core constitutional guarantees of UUD NRI 1945, particularly the principles of equality before the law (Article 27(1)), the right to equal opportunity in government (Article 28D(3)), and freedom from discriminatory treatment (Article 28I(2)). The threshold's compatibility with these provisions was persistently contested, with critics arguing that the requirement effectively transformed a constitutional right of political participation into a privilege accessible only to parties with substantial parliamentary presence (Indrati, 2007; Jimly Asshiddiqie, 2021; Hakim & Al Arif, 2024; Rannie et al., 2024).

The significance of this doctrinal tension was ultimately acknowledged in Constitutional Court Decision Number 62/PUU-XXII/2024, which overturned the threshold as unconstitutional. The Court's reasoning in that decision reflected a reorientation away from the governability rationale and toward the values of representativeness and political equality that the Constitution is designed to protect (Melfa & Putra, 2026). Subsequent juridical analysis has characterized this ruling as having direct legal consequences for the mechanism of presidential and vice-presidential nomination, requiring legislators to reconstruct the candidacy framework in a manner consistent with constitutional rights (Ashari et al., 2025).

3.2 Civil Code Job Creation Legal Protection System

Addressing the second research question, the effects of the presidential threshold on democratic competition in Indonesia may be assessed at both the theoretical and

empirical levels. From the perspective of democratic theory, electoral thresholds generate inherently ambivalent consequences. While they can reduce the fragmentation of the legislative and executive arenas and thereby facilitate more coherent governance, they simultaneously narrow the competitive field and restrict the capacity of newer or smaller political formations to contest the highest office (Sartori 1976; Lijphart, 1999). This restriction tends to diminish political pluralism and the representative character of democratic processes, concerns that are especially pronounced in a diverse, multiparty system such as Indonesia's.

In the Indonesian context, the twenty-to-twenty-five percent threshold was notably high by comparative standards, rendering it effectively impossible for emerging parties to contest the presidency without forming coalitions with established actors (Siregar, 2018; Rannie et al., 2024). This concern had already been substantiated in earlier moral-paradigm critiques of parliamentary and presidential threshold regulations, which questioned the normative legitimacy of high entry barriers within Indonesia's constitutional order (Al-Fatih & Siboy, 2022). Likewise, studies of the threshold's operation during the 2019 simultaneous elections found that the mechanism disproportionately constrained the political rights of voters and candidates aligned with smaller parties (Prasetio & Sianipar, 2021). Comparative treatments of presidential and parliamentary threshold-setting have similarly concluded that thresholds calibrated at this level tend to function less as stabilizing devices than as instruments of political exclusion. (Monteiro, 2023) The resulting concentration of political power among dominant parties risked producing a form of electoral oligarchy in which voter choice was substantially pre-determined by inter-elite bargaining rather than open democratic competition (Mietzner, 2025; Pepinsky, 2025). Surveys of party identification conducted through the reform era documented a steep and sustained decline in citizens' sense of attachment to political parties, suggesting that structural constraints of this nature may contribute to broader disengagement from the democratic process. Empirical analyses of public sentiment toward the threshold mechanism corroborate this pattern, finding that a substantial proportion of the electorate perceived the provision as restrictive of genuine electoral choice (Gustiawan et al., 2023). Similarly, assessments of the threshold's operation within Indonesia's simultaneous elections found that the mechanism disproportionately constrained the political rights of smaller parties and their constituents (Ropii et al., 2026). These dynamics have also been linked to the entrenchment of elite-centered governance structures that function as barriers to meritocratic political advancement. Comparable concerns regarding the constitutionality of related threshold mechanisms were raised in subsequent litigation before the Court (Baan, 2025).

The abolition of the threshold in Decision Number 62/PUU-XXII/2024 addressed many of these concerns by opening presidential nominations to every qualifying political party. Scholars examining the decision's implications for democratization

have argued that it strengthens the conditions for genuine public participation in future electoral cycles (Mutiara, 2025). Observers have noted that this ruling creates the conditions for a more inclusive and competitive electoral process in the 2029 presidential election, though the full realization of its democratic potential will depend upon the legislative reforms that DPR is required to enact in its wake (Jakarta Globe, 2025; Indonesia at Melbourne, 2025).

3.3 Constitutional Review and Judicial Reasoning

The trajectory of the Mahkamah Konstitusi's engagement with the presidential threshold illustrates a significant evolution in constitutional interpretation over the course of nearly two decades. Between 2008 and 2023, the Court adjudicated no fewer than thirty-six petitions challenging Article 222 of Law Number 7 of 2017 and its predecessor provisions, consistently declining to depart from its position of judicial deference (Indonesia at Melbourne, 2025). The open legal policy doctrine served throughout this period as the primary jurisprudential vehicle for upholding legislative discretion, though scholars increasingly questioned whether the doctrine was being applied in a manner that adequately safeguarded political rights (Nggilu et al., 2023; Soeod, 2023).

The Court's eventual departure from its prior position in Decision Number 62/PUU-XXII/2024 was prompted by its assessment of what it described as troubling patterns in Indonesia's electoral landscape, specifically the tendency of the threshold to produce presidential contests involving only two candidate pairs, a dynamic that it concluded was incompatible with the constitutional commitment to democratic representativeness. This ruling may be read as an instance of deliberate judicial reorientation, reflecting the Court's recognition that excessive deference to legislative discretion had allowed the open legal policy doctrine to function in a manner that was constitutionally disproportionate (Hanan et al., 2025; Melfa & Putra, 2026). Scholars analyzing the Court's reasoning have observed that the decision reflects a meaningful shift in the institutional balance between representativeness values and governability concerns within the Court's constitutional jurisprudence. Detailed juridical commentary on Decision Number 62/PUU-XXII/2024 has further emphasized that the ruling necessitates a comprehensive legislative redesign of the nomination mechanism for president and vice president consistent with the Court's constitutional findings (Hanan et al., 2025). A parallel line of analysis has proposed the formulation of a proportionality-based coalition threshold to replace the abolished mechanism, so as to preserve governmental coherence without reproducing the constitutional defects identified by the Court (Nugroho et al., 2025).

3.4 Comparative Insights and Best Practices

Comparative constitutional experience provides instructive reference points for evaluating Indonesia's approach to presidential candidacy regulation. In the Philippines and the United States, no explicit proportional threshold is imposed upon parties as a prerequisite for nominating presidential candidates, enabling a more open and competitive nomination environment. Brazil permits lower thresholds and maintains provisions for broader candidacy access, thereby balancing inclusivity against the need for procedural manageability. These systems demonstrate that stable presidential governance can be achieved without recourse to the kind of high entry barriers that characterized Indonesia's threshold regime (Shugart & Carey, 1992). Comparative legal scholarship examining Indonesia's threshold alongside the practices of other nations has similarly concluded that the absence of comparably rigid entry barriers elsewhere does not appear to compromise governmental stability (Farhan, 2022). This observation aligns with foundational theoretical work on the difficult combination of presidentialism and multipartism, which cautions that excluding smaller parties from presidential contests does not, by itself, guarantee coherent governance and may instead exacerbate representational deficits in fragmented party systems such as Indonesia's (Mainwaring, 1993).

Indonesia's comparatively rigid threshold, operating within a fragmented multiparty context, created structural conditions that were difficult to reconcile with the constitutional commitment to political equality (Jimly Asshiddiqie, 2021). The comparative literature supports the view that electoral thresholds should be calibrated with the aim of minimizing exclusion without compromising governability, and that alternative candidacy routes — such as independent candidacy pathways — may offer a more constitutionally consistent means of achieving this balance (Hakim & Al Arif, 2024; Rannie et al., 2024). In this light, Decision Number 62/PUU-XXII/2024 positions Indonesia in closer alignment with comparative constitutional systems that prioritize broad political participation as a foundational democratic value.

3.5 Implications for Electoral Reform Policy

Responding directly to the third research question, the findings of this study point to several concrete imperatives for electoral reform in Indonesia following the abolition of the presidential threshold. The core challenge for future policy is to construct a candidacy framework that expands political participation without sacrificing the coherence and manageability of the presidential electoral process.

The institutional role of the Constitutional Court in this reform process cannot be understated. As an institution, the Mahkamah Konstitusi has functioned not merely as a passive adjudicator of electoral disputes but as an active guardian of constitutional values within Indonesia's democratic system. The Court's position as the defender of constitutional compliance is inseparable from the development of

modern constitutionalism, which is itself rooted in the twin principles of nationalism and representative democracy. Within a democratic system, the concentration of power in elected representatives must be counterbalanced by a robust legal framework that protects minority rights and sustains the integrity of the democratic order, a function that the Constitutional Court fulfills by ensuring that legislation and governmental action remain aligned with constitutional principles (Tarigan, 2024). This understanding provides an important normative basis for evaluating the Court's decision in Number 62/PUU-XXII/2024 not as a departure from institutional restraint but as a constitutionally mandated correction of a legislative provision that had come to conflict with fundamental rights.

A normative reform framework for the post-threshold era should incorporate at minimum the following elements. First, the legislative response to Decision Number 62/PUU-XXII/2024 must establish clear and constitutionally bounded criteria for presidential candidacy access that are consistent with Articles 27(1), 28D(3), and 28I(2) of UUD NRI 1945. Second, the possibility of introducing independent candidacy pathways should be seriously considered, as the absence of such mechanisms has been identified as a significant gap in the openness of Indonesia's electoral system (Hakim & Al Arif, 2024). Third, judicial review mechanisms must be strengthened to ensure that any future electoral regulation is subject to proportionality assessment that genuinely balances legislative discretion against the protection of political rights (Jimly Asshiddiqie, 2021; Mietzner, 2025). This imperative is reinforced by studies of legislative non-compliance with Constitutional Court rulings, which document persistent challenges in ensuring that the DPR translates the Court's constitutional findings into timely and faithful statutory reform (Butt, 2023; Hariri & Arifin, 2025). Strengthening the binding force of Constitutional Court decisions has likewise been identified as essential to the broader project of constitutional compliance among the institutions addressed by such rulings (Sulistiyowati et al., 2020; Butt, & Murharjanti, 2022).

The reform process must be grounded in broad and inclusive consultations with political parties, civil society organizations, electoral management bodies, and independent academic experts, to ensure that the resulting framework is both constitutionally sound and politically viable (Sartori 1976). Recommendations for redesigning the presidential candidacy system in the aftermath of Decision Number 62/PUU-XXII/2024 have similarly emphasized the need for a participatory legislative process that reconciles inclusivity with administrative feasibility (Arifudin & Rahayu, 2025). Transparency in the reform process and public communication about the rationale for any new regulatory framework will be essential to maintaining democratic legitimacy and public confidence in the electoral system (Christine, 2024).

4. Conclusion

This study has undertaken a critical normative examination of the presidential threshold in Indonesia, tracing its constitutional foundations, its implications for democratic competition and political pluralism, and the significant jurisprudential shift represented by Constitutional Court Decision Number 62/PUU-XXII/2024. The analysis reveals a trajectory that moved from an extended period of judicial deference to legislative discretion, through growing scholarly and public contestation of the threshold's democratic legitimacy, and ultimately to a landmark ruling that fundamentally altered the landscape of presidential electoral law in Indonesia.

With respect to the first research question, this study concludes that the constitutional validity of the presidential threshold was always contested, notwithstanding the Court's prolonged affirmation of its permissibility. The provision generated genuine normative tension with Articles 27(1), 28D(3), and 28I(2) of UUD NRI 1945, which protect equality before the law, equal opportunity in governance, and freedom from discrimination. The Court's eventual decision in 2024 to declare Article 222 of Law Number 7 of 2017 unconstitutional vindicates the position that the threshold was not, in the final analysis, compatible with the constitutional order it was required to serve.

Regarding the second research question, the evidence examined in this study confirms that the threshold substantially constrained democratic competition in Indonesia throughout its period of operation. By confining presidential candidacy to parties holding significant parliamentary representation, the provision concentrated electoral choice among established political formations, marginalized emerging parties and political actors, and contributed to conditions of voter disengagement that scholars have documented as a broader feature of Indonesia's democratic development.

In response to the third research question, this study recommends that the post-threshold era be approached as an opportunity for constitutionally grounded and democratically inclusive reform. The legislative changes required by Decision Number 62/PUU-XXII/2024 should be designed to expand genuine access to presidential candidacy, consider the introduction of independent candidacy pathways consistent with Article 28D(3) of UUD NRI 1945, and establish proportionality-based review mechanisms that prevent future electoral regulation from encroaching upon constitutionally protected political rights. The reform process must be participatory, transparent, and attentive to the distinctive features of Indonesia's multiparty presidential system.

Ultimately, the constitutional reorientation reflected in the 2024 decision represents both a vindication of sustained scholarly critique and a significant opportunity for

Indonesia to realign its electoral framework with the democratic and constitutional values that define its constitutional identity.

5. References

Journal

- Al-Fatih, S., & Siboy, A. (2022). Moral Paradigm in Establishing of Regulations on Parliamentary Thresholds: An Analysis of Indonesian Implementation. *Fiat Justisia: Jurnal Ilmu Hukum*, 16(1), 1-10. <https://doi.org/10.25041/fiatjustisia.v16no1.2140>.
- Arifudin, A., & Rahayu, S. D. (2025). Redesign of The Presidential Threshold System Following The Constitutional Court Decision Number 62/PUU-XXII/2024. *The Digest: Journal of Jurisprudence and Legisprudence*, 6(1), 107-132. <https://doi.org/10.15294/digest.v6i1.29019>.
- Ashari, M., Ardiansah, A., & Andrizal, A. (2025). Implikasi Yuridis Putusan Mahkamah Konstitusi Nomor 62/PUU-XXII/2024 Terhadap Mekanisme Pencalonan Presiden Dan Wakil Presiden Di Indonesia. *AKADEMIK: Jurnal Mahasiswa Humanis*, 5(3), 1437-1445.
- Baan, B. B. (2025). Constitutionality of Presidential Threshold Application in Indonesia's Presidential Election System: Analysis of Constitutional Court Decision Number 90/PUU-XXI/2023. *Research Horizon*, 5(5), 2243-2262. <https://doi.org/10.56370/rh.v5i5.850>.
- Budahu, M. A. S., Kasim, A., Lasatu, A., & Palilingan, T. N. (2022). Pemenuhan Hak Dipilih dan Hak Memilih sebagai Hak Konstitusional: Studi Komparatif Pasca Putusan Mahkamah Konstitusi. *Tumou Tou Law Review*, 1, 88-99. <https://doi.org/10.35801/tourev.v1i2.44641>.
- Butt, S., & Murharjanti, P. (2022). What constitutes compliance? Legislative responses to Constitutional Court decisions in Indonesia. *International Journal of Constitutional Law*, 20(1), 428-453. <https://doi.org/10.1093/icon/moac014>.
- Cahyono, A., Iftitah, A., Hidayatullah, A. R., Yulianti, E., & Susetiyo, W. (2023). Analisis Kritis terhadap Penerapan Presidential Threshold dalam Pemilihan Umum 2024: Perspektif Hukum Normatif di Indonesia. *Jurnal Supremasi*, 1-14. <https://doi.org/10.35457/supremasi.v13i2.3041>.
- Christine, T. (2024). 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*, 5(8).
- Farhan, M. A. (2022). Application of Presidential Threshold In Indonesia And Comparison With Several Countries. *YURISDIKSI: Jurnal Wacana Hukum Dan Sains*, 18(1), 56-67.

- Gustiawan, R., Rafzan, R., Ropawandi, D., Suswanta, S., & Pribadi, U. (2023). Analyzing public sentiment on implementing the presidential threshold in Indonesia's presidential election system. *Jurnal Civics: Media Kajian Kewarganegaraan*, 20(1), 156-166. <https://doi.org/10.21831/jc.v20i1.57295>.
- Hakim, D. A., & Al Arif, M. Y. (2024). Questioning Presidential Threshold in Indonesia: Constitutional Analysis and Democracy Implementation. *Veteran Law Review*, 7(1), 73-86. <https://doi.org/10.35586/velrev.v7i1.7591>.
- Hanan, D., Astuti, T. S., & Eddyono, L. W. (2025). Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia: Reformasi Elektoral Melalui Mahkamah Konstitusi: Konstitusionalitas Ambang Batas Pencalonan Presiden di Indonesia. *Jurnal Konstitusi*, 22(2), 260-292. <https://doaj.org/article/89d1fe0f40244c0abf56840ce6f2ccb2>.
- Hariri, A., & Arifin, S. (2025). Analysis and challenges of unimplemented Constitutional Court decisions by legislators. *Indonesia Law Reform Journal*, 5(1), 1-24. <https://doi.org/10.22219/ilrej.v5i1.38332>.
- Mainwaring, S. (1993). Presidentialism, multipartism, and democracy: The difficult combination. *Comparative political studies*, 26(2), 198-228. <https://doi.org/10.1177/0010414093026002003>.
- Melfa, W., & Putra, R. E. (2026). Political System Reform through the Abolition of the Presidential Threshold: An Analysis of Constitutional Court Decision Number 62/PUU-XXII/2024. *Constitutionale*, 7(1), 17-26. <https://jurnal.fh.unila.ac.id/index.php/constitutionale/article/view/4931>.
- Mietzner, M. (2025). The limits of autocratisation in Indonesia: power dispersal and elite competition in a compromised democracy. *Third World Quarterly*, 46(2), 153-169. <https://doi.org/10.1080/01436597.2024.2317970>.
- Mutiara, A. E. (2025). Demokratisasi Pemilu Dan Penguatan Partisipasi Publik Pasca Putusan Mahkamah Konstitusi Nomor 62/PUU-XXII/2024. *Jurnal Yustisiabel*, 9(1), 38-51. <https://doi.org/10.32529/yustisiabel.v9i1.3921>.
- Nggilu, N. M., Perwira, I., & Abdurahman, A. (2023). Constitutionality Review of Indonesian Constitutional Amendments: History and Future. *Russian Law Journal*, 11(2), 117-125. <https://doi.org/10.17589/2309-8678-2023-11-2-100-119>.
- Nugroho, H. A., Djunaedi, O., & Ismail, I. (2025). Formulation of Coalition Threshold For Political Parties Based on Proportionality Principles In The Presidential Election Post Constitutional Court Decision No. 62/PUU-XXII/2024. *Asian Journal of Social and Humanities*, 3(5), 997-1009. <https://doi.org/10.59888/ajosh.v3i5.496>.
- Pepinsky, T. B. (2025). Cleavages, Institutions, and Democracy in Indonesia: The 2024 Elections in Comparative Perspective. *Journal of Current Southeast Asian Affairs*, 44(3), 345-365. <https://doi.org/10.1177/18681034251349467>.

- Prasetio, R. B., & Sianipar, F. (2021). The relevance of the application of the presidential threshold and the implementation of simultaneous elections in Indonesia. *Jurnal Penelitian Hukum De Jure*, 21(2), 267. <https://doi.org/10.30641/dejure.2021.v21.267-284>.
- Rannie, M., Saraswati, R., & Wisnaeni, F. (2024). Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?. *Sriwijaya Law Review*, 8(1), 133. <https://doi.org/10.28946/slrev.Vol8.Iss1.3157.pp133-151>.
- Ropii, I., Pramono, A., Kuntardjo, C., & Kusuma, A. C. D. C. (2026). Presidential Elections Without a Threshold in Indonesia: Strengthening Citizens' Political Rights After the 2025 Constitutional Court Decision. *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 8(1), 13-26. <https://doi.org/10.14710/jphi.v4i3.12845>.
- Soeod, M. R. (2023). Analisis Pengaturan Ambang Batas Pencalonan Presiden Menurut Putusan Mahkamah Konstitusi Tahun 2022-2023. *Jurnal Konstitusi & Demokrasi*, 3(2), 4. <https://doi.org/10.7454/jkd.v3i2.1309>.
- Sulistiyowati, T., Nasef, M. I., & Rido, A. (2020). Constitutional Compliance atas Putusan Pengujian Undang-Undang di Mahkamah Konstitusi Oleh Adressat Putusan Constitutional Compliance on the. *Jurnal Konstitusi*, 17, 700-728. <https://doi.org/10.31078/jk1741>.
- TARIGAN, R. S. (2024). *Mahkamah Konstitusi Dalam Sistem Ketatanegaraan Indonesia*. Ruang Karya Bersama. <https://books.google.co.id/books?id=uPQMEQAAQBAJ>.
- Vikalista, E., Warsono, H., Martini, R., Erowati, D., & Muharam, R. S. (2025). Elite-centered regimes as barriers to meritocracy: the case of Indonesia. *Frontiers in Political Science*, 7, 1687026. <https://doi.org/10.3389/fpos.2025.1687026>

Books

- Jimly Asshiddiqie, S. H. (2021). *Konstitusi dan konstitusionalisme Indonesia*. Sinar Grafika.
- Butt, S. (2023). *Judicial dysfunction in Indonesia*. Melbourne Univ. Publishing. <https://books.google.co.id/books?id=4nzqEAAAQBAJ>.
- Indonesia at Melbourne. (2025). A Surprise Victory for Democracy? Why the Constitutional Court Scrapped the Presidential Nominations Threshold. *University of Melbourne*, 2025. <https://indonesiaatmelbourne.unimelb.edu.au/a-surprise-victory-for-democracy-why-the-constitutional-court-scrapped-the-presidential-nominations-threshold/>.
- Indrati, M. F. (2007). *Ilmu Perundang-Undangan*. Kanisius.
- Jakarta Globe. (2025). Constitutional Court Repeals 20% Parliamentary Threshold for Presidential Nomination in Landmark Ruling.

- Lijphart, A. (1999). *Patterns of democracy: Government forms and performance in thirty-six countries*. Yale university press.
- Sartori, G. (1976). *Parties and party systems: Volume 1: a framework for analysis*. cambridge university Press.
- Shugart, M. S., & Carey, J. M. (1992). *Presidents and assemblies: Constitutional design and electoral dynamics*. Cambridge University Press.
- Siregar, M. (2018). Electoral Threshold and Democracy in Indonesia. *Journal of Indonesian Political Science*.
- Susanti, B. (2017). Presidential Threshold and the Indonesian Democratic Process.

Regulations:

- Undang-Undang Dasar Negara. "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," 1945.
- Mahkamah Konstitusi Republik Indonesia. (2008). Putusan No. 51-52-59/PUU-VI/2008.
- Mahkamah Konstitusi Republik Indonesia. (2017). Putusan Nomor 53/PUU-XV/2017.